

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Article 1., Section 86500 and Titles

Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Sections 86500(a) and (b)

Specific Purpose:

These regulations are adopted to introduce a new children residential facility category “Crisis Nursery” and to make clear that this category is governed by provisions specified in this chapter and that the provisions of Chapter 1, General Licensing Requirements shall not apply.

Factual Basis:

Sections 86500(a) and (b) are necessary to introduce a new children residential facility category Crisis Nursery created by Section 1516 of the Health and Safety Code. These regulations further specify that these facilities are not governed by Title 22 Division 6, Chapter 1, General Licensing Requirements.

Section 86500(c)

Specific Purpose:

This regulation is adopted to specify that these regulations shall remain in effect until January 1, 2008, unless extended by statute before that date.

Factual Basis:

This regulation is necessary to be consistent with Section 1516(k) of the Health and Safety Code.

Section 86501 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86501 et seq. (Definitions)

Specific Purpose:

The specific purpose of adopting Section 86501 is to implement, interpret, and make specific SB 855, Chapter 664, Statute of 2004 that requires the Department to develop regulations creating a new children’s residential licensing category called "Crisis Nurseries." The adoption of these regulations add the definitions of the following terms: “Administrator,” “Administrator Designee,” “Adult,” “Applicant,” “Authorized Representative,” “Basic Rate,” “Basic Services,” “California Clearance,” “Capacity,” “Care and Supervision,” “Caregiver,” “Child,” “Child Abuse Central Index,” “Child Abuse Central Index Clearance,” “Child With Special Health Care Needs,” “Community Care Facility,” “Complaint,” “Completed Application,” “Control of Property,” “Conviction,” “County Placement,” “Criminal Record Clearance,” “Crisis Nursery,” “Crisis Day Care,” “Crisis Nursery Program Statement,” “Deficiency,” “Department,” “Developmental Disability,” “Director,” “Disability,” “Evaluator or Licensed Program Analyst,” “Evidence of Licensee’s Death,” “Exception,” “Exemption,” “Federal Bureau of Investigation Clearance,” “Family Crisis or Stressful Situation,” “Guardian,” “Incident Report,” “Infant,” “Lead Caregiver,” “License,” “Licensee,” “Licensing Agency,” “Medical Professional,” “Needs and Services Plan,” “Nonambulatory Person,” “Physician,” “Placement Agency,” “PRN Medication,” “Rehabilitation,” “Relative,” “Responsible Person,” “Serious Deficiency,” “Simplified Exemption,” “Social Worker,” “Substantial Compliance,” “Substantiated Complaint,” “Unlicensed Community Care Facility,” “Voluntary Placement,” “Volunteer,” and “Waiver”.

Factual Basis:

Adopting Sections 86501 et seq. meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. Adopting these definitions section is needed in order to create a new licensing category because it clarifies and avoids any confusion that providers,

licensing staff, or interested individuals may have related to the terms used throughout the regulations.

The definitions of “Crisis Nursery,” “Crisis Day Care,” and “Voluntary Placement” are necessary for consistency with Section 1516 of the Health and Safety Code that was added to the Community Care Facilities Act by SB 855, Chapter 664, Statute of 2004. Health and Safety Code section 1516 provides definitions for “Crisis Nursery” and “Voluntary Placement,” and requires a definition of “Crisis Day Care” by allowing a crisis nursery to provide day care services at the same site as a crisis nursery. The Department has adopted these definitions for consistency with statute.

The definition of “Family Crisis or Stressful Situation” is being adopted to clarify this term as used throughout the regulations. Crisis nurseries are defined by statute, in part, as a facility that provides care to children under six years of age who are voluntarily placed due to a “family crisis or stressful situation”. The Department has determined it is necessary to clarify this term for providers, licensing staff, and interested individuals. In defining this term the Department reviewed existing program statements of facilities that were licensed as group homes but provided crisis nursery type services.

The remainder of the definitions found in this section were taken from existing standards found in current regulations governing other children’s residential and child care licensing categories. The Department has determined that these definitions are necessary and appropriate for crisis nursery programs and effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Final Modifications:

Prefatory language is repealed as unnecessary.

Handbook Section 86501(a)(1) is amended for clarity to be regulation and renumbered to Section 86501(a)(1)(A), by specifying examples of authorized accrediting agencies referred to in Section 86501(a)(1).

Section 86501(a)(2) is amended for clarity to delete the licensee as “administrator” since all licensees of crisis nurseries must be a non-profit corporation pursuant to Health and Safety Code Section 1516(b).

Section 86501(a)(4) is amended for clarity to delete non-corporate entities as an “applicant” since all applicants must be a non-profit corporation pursuant to Health and Safety Code Section 1516(b). Handbook Section 86501(a)(4)(A) is added to provide the language in Health and Safety Code Section 1516(b).

Section 86501(a)(5) is amended for clarity to delete “pursuant to Education Code Sections 94900 or 94915” since that reference does not aid in determining which schools or correspondence courses are authorized by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

Section 86501(a)(6) is amended for clarity to delete the unnecessary reference to “a conservator” since the term applies only to adults, who are not the subject of the regulations.

Section 86501(b)(1) is amended in response to the public hearing comment to delete the unnecessary reference to SSI/SSP recipients, since it is not applicable to children in crisis nurseries. Additionally, for clarity and consistency, the term “a facility” is replaced with “the crisis nursery.”

Section 86501(c)(3) is amended for clarity and consistency to change the terms “facility” to “the crisis nursery” and “clients” to “children” and to delete the unnecessary word “any.” Section 86501(c)(3)(A) is amended in response to the public hearing comment to add the term “feeding” to provide clarity to the care of infants and young children. Sections 86501(c)(3)(B) and (C) are amended for clarity to designate the subsection (b) in the cross-referenced section. Section 86501(c)(3)(D) is amended for clarity to integrate the two sentences and add a cross-reference. Section 86501(c)(3)(G) is amended for clarity to remove the “and/.” Section 86501(c)(3)(I) is amended to delete the subsection number for consistency and ease of reference for future amendments to the definitions.

Section 86501(c)(4) is amended for clarity to delete unnecessary language, “for the purpose of this chapter,” and to add the title of the cross-referenced section, “Personnel Duties.”

Section 86501(c)(5) is amended for clarity to replace “this chapter” with “Chapter 7.3.”

Section 86501(c)(8) is amended for consistency to refer to “Welfare and Institutions Code Section 17710(a)” instead of “Section 17710(a) of the Welfare and Institutions Code.” Handbook Section 86501(c)(8)(A) is amended to delete language that is not applicable to children in a crisis nursery.

Section 86501(c)(9) is amended to delete the subsection number following the letter “(c)” for consistency and ease of reference for future amendments to definitions.

Section 86501(c)(10) is amended for clarity and specificity to refer to “applicable” regulation “in Chapter 7.3” instead of “any regulation” “Title 22 regulations” and “state statute” instead of “statute of this state” and to delete the duplicative term “violations.”

Section 86501(c)(11)(A) is amended for clarity and specificity by deleting reference to “the applicant and any other” individuals, and leaving only with “the individuals” since the applicant is a corporation for which a criminal record clearance or exemption does not apply. Also, the letter “(c)” of the cross-referenced Section 86519 is added for ease of reference and specificity.

Section 86501(c)(11)(B) is amended for consistency and clarity to replace the word “facility” with “crisis nursery.”

Section 86501(c)(12) is amended for consistency and clarity to replace the word “facility” with “crisis nursery.”

Section 86501(c)(14) is amended for clarity to delete unnecessary language, “for the purpose of this chapter.”

Section 86501(c)(16) is amended for consistency to refer to “Health and Safety Code Section 1516” instead of “Section 1516 of the Health and Safety Code.”

Sections 86501(c)(16)(A) and (B) are amended for clarity to replace the words “paragraph” and “of this section” with the specific section number, respectively.

Section 86501(c)(17) is amended for clarity to delete unnecessary language, “for the purpose of this chapter.”

Section 86501(c)(18) is repealed as unnecessary, confusing, and conflicting with Section 86522, Plan of Operation, that refers in subsection (b)(1) to “Statement of purposes, and program methods and goals” whereas the term “program statement” is not used.

Section 86501(d)(1) is amended for clarity to delete “and/” as “or” is sufficiently applicable, and “regulations adopted by the Department pursuant to the Act” is replaced with “regulations in Chapter 7.3.”

Section 86501(d)(2) is amended for clarity to delete unnecessary language, “for the purpose of this chapter.”

Section 86501(d)(5) is amended for clarity and grammatical correction by replacing the word “which” with “that.”

Section 86501(e)(1) renumbered to Section 86501(l)(5) for “Licensing Program Analyst.” and is amended for consistency and clarity to delete the reference to “Evaluator” since the term is generally not used in the regulations of Chapter 6, and It is also amended for clarity to delete “including any officer, employee or agent of a county or other public agency authorized by the Department to license community care facilities” since crisis nurseries are licensed only by the Department of Social Services.

Sections 86501(e)(2) and (e)(3) are renumbered to (e)(1) and (e)(2), respectively. Renumbered Section 86501(e)(1) is amended for clarity and grammatical correction by replacing the word “which” with “that.” Handbook Section 86501(e)(2)(A) is corrected for clarity, consistency and to delete unnecessary language.

Section 86501(g)(1) is amended for clarity and consistency to delete the unnecessary reference to “the Superior Court,” as well as unnecessary language “the provisions of,” and refer to the code sections instead of the sections of the codes, and to specify Probate Code Section 1514 instead of Sections 1500 et seq.

Section 86501(i)(1) is amended for clarity to delete the word “written” since reports may also be verbal, to delete the unnecessary phrase “to report incidents” and to add the title of the cross referenced section, “Reporting Requirements.”

Section 86501(i)(3) is amended for clarity and grammatical correction by replacing the word “which” with “that” and adding the title of the cross referenced section, “Initial Assessment.”

Section 86501(l)(1) is amended for clarity to delete unnecessary language, “for the purpose of this chapter” and to include the specific subsections, “(q) and (r),” applicable in the cross reference to Section 86565 for education experience and training requirements.

Section 86501(l)(3) is amended for clarity to delete the licensee as “adult, firm, partnership, association,” and “county, city, public agency or other governmental agency” as all licensees of crisis nurseries must be a non-profit corporation pursuant to Health and Safety Code Section 1516(b).

Section 86501(l)(4), the definition of “licensing agency,” is amended for clarity to delete “or any state, county or other public agency authorized by the Department to assume specified licensing responsibilities pursuant to Section 1511 of the Health and Safety Code” since crisis nurseries are licensed only by the California Department of Social Services.

Section 86501(n)(1)(C) Handbook is amended for clarity by deleting unnecessary provisions in the cited code section in part.

Section 86501(p)(2) is amended for clarity to delete the unnecessary references to Health and Safety Code Section 1569.47(a), in the Residential Care Facilities for the Elderly Act. The Handbook section is designated as (A) for clarity and corrected to accurately reflect Health and Safety Code Section 1536.1(a) in part.

Section 86501(p)(3) is amended for clarity and grammar by replacing the word “which” with “that.”

Section 86501(r)(1) is corrected grammatically and Section 86501(r)(2) is amended for clarity to replace “the persons specified in this definition” with “these persons.” Subsection (r)(2) also is amended for consistency to include “domestic partner as defined in Family Code Section 297” consistent with Section 82001(r) as adopted in ORD #0704-05, OAL No. 06-1117-10S. Handbook Section 86501(r)(2)(A) is added to quote Family Code Section 297.

Section 86501(r)(3) is amended for clarity and grammatical correction by replacing the word “which” with “that.”

Section 86501(s)(1)(A) Handbook Section is repealed as unnecessary and duplicative of Section 86552(e).

Section 86501(s)(5) is amended for clarity and correct grammar by replacing the word “which” with “that” and for consistency by replacing “licensing agency” with “Department.”

Section 86501(u)(1) is amended for consistency to refer to “Health and Safety Code Section 1503.5” instead of “Section 1503.5 of the Health and Safety Code.” The following Handbook section is numbered Section 86501(u)(1)(A) and corrected for accuracy.

Section 86501(v)(1) is amended for consistency to refer to “Welfare and Institutions Code Section 11400(o)” instead of “Section 11400(o) of the Welfare and Institutions Code” and to delete the unnecessary phrase, “for the purposes of this chapter.”

Section 86501(v)(2) is amended for clarity to delete the unnecessary phrase, “for the purpose of this chapter,” to replace the word “facility” with “crisis nursery,” and to add subsection (w) to cross referenced Section 86565.

Section 86501(w)(1) is amended for consistency by replacing “licensing agency” with “Department” and for clarity and correct grammar usage by replacing the word “which” with “that” and deleting the second “which.”

Article 2. and Section 86505 and Titles

Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Section 86505(a)

Specific Purpose:

This regulation is adopted to specify the requirements of licensure for operating a Crisis Nursery.

Factual Basis:

This regulation is necessary to comply with Section 1516(a) of the Health and Safety Code that requires the Department to license crisis nurseries.

Section 86505.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86505.1(a)

Specific Purpose:

This regulation is adopted to specify the requirement that a crisis nursery shall be a corporation.

Factual Basis:

This regulation is necessary to comply with Section 1516(b) of the Health and Safety Code that requires crisis nurseries to operate on a nonprofit basis.

Sections 86505.1(b) through (b)(3)

Specific Purpose:

These regulations are adopted to specify the conditions for a crisis nursery to be licensed.

Factual Basis:

These regulations are necessary to comply with Section 1516(j) of the Health and Safety Code that requires the Department to issue a Crisis Nursery license only if at least one of the three conditions is met.

Section 86506 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86506(a) through (d)

Specific Purpose:

These regulations are adopted to specify that a crisis nursery shall not operate without a license and the possible consequences for doing so.

Factual Basis

These regulations are necessary to specify that unlicensed facilities are in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code and that the licensing agency shall conduct a site visit, may assess civil penalties, issue a notice of operation and refer the case for criminal prosecution and/or civil proceedings.

Section 86506(e)

Specific Purpose/ Factual Basis:

This regulation is adopted to clarify that Sections 86506(c) and (d) shall be applied pursuant to Section 1549 of the Health and Safety Code.

Sections 86506(f)(1) and (2)

Specific Purpose/ Factual Basis:

These regulations are adopted to clarify the licensing agency responsibility to notify the appropriate placement agency when necessary to ensure the health and safety of children in placement.

Sections 86507 et seq.

Specific Purpose:

This section is adopted to specify those facilities exempt from licensure.

Factual Basis:

This section is necessary to meet the requirements of and to be consistent with Section 1505 of the Health and Safety Code that exempts certain facilities from licensure. This section is necessary to clarify to the Department which facilities do not require a license to operate. In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the facilities that do not need a license to operate are also applicable to crisis nurseries and is using the criteria that apply.

Section 86508 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86508(a) and (a)(1) through (3)

Specific Purpose:

These regulations are adopted to explain that a facility with multiple buildings can operate with one license under specified conditions.

Factual Basis:

These regulations are necessary to clarify and eliminate any confusion that a facility with multiple buildings can operate under one license provided that the buildings operate as one program, the same licensee manages all components of the program and, all components share a common address. Often a site may have multiple buildings on the property; this regulation will clarify that not every building on the site needs to be licensed.

Section 86508(b)

Specific Purpose:

This regulation is adopted to clarify that each licensed facility can independently meet the necessary regulatory requirements.

Factual Basis:

Adopting this regulation meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the Community Care Facilities Act that requires community care facilities to be licensed. Additionally this regulation is necessary to clarify that each licensed facility shall be responsible for following all regulatory requirements independently.

Section 86509 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86509(a)

Specific Purpose:

This regulation is adopted to ensure that crisis nurseries post their licenses in a publicly accessible location in the facility.

Factual Basis:

This regulation is necessary for licensing analysts to easily distinguish a licensed facility from an unlicensed facility. It provides a public service for interested individuals so that they can easily recognize that the facility is licensed by the Department.

Section 86510 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86510(a)

Specific Purpose:

This regulation is adopted to prohibit a crisis nursery from operating beyond the limitations of its license.

Factual Basis:

This regulation is necessary to clarify that a crisis nursery shall not exceed any limitations established on the license including operating over capacity.

Sections 86510(b), (b)(1), and (b)(2)

Specific Purpose:

These regulations are adopted to clarify that a crisis nursery shall not allow nonambulatory children to use rooms approved for ambulatory children.

Factual Basis:

These regulations are necessary ensure that nonambulatory children receive rooms in facilities that have proper accommodations. These regulations are adopted as health and safety measures. Facilities accommodating nonambulatory children must comply with specified accommodation standards as provided in the Americans with Disabilities Act (ADA), and must obtain an appropriate fire clearance. These regulations are intended to clarify that any nonambulatory child in a facility/room approved for ambulatory children is out of compliance with this regulation.

Section 86511 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86511 et seq.

Specific Purpose:

These sections are adopted to ensure that each licensee must reveal their license number(s) on all advertisement and correspondence.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1514 of the Health and Safety Code that requires licensed facilities to reveal their license number in all advertisements.

Section 86512 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86512(a) and (b)

Specific Purpose:

These regulations are adopted to prohibit the licensee, officer or employee of a crisis nursery license from providing misleading, or false claims regarding the crisis nursery, and to prohibit altering a crisis nursery license.

Factual Basis:

Adopting these regulations meets the “clarity” standard of the Administrative Procedures Act, Government Code Sections 11349 (c). These regulations are necessary to clarify that altering a license or providing misleading/false information regarding the crisis nursery is prohibited and in violation of this regulation.

Section 86512(c)

Specific Purpose:

This regulation is adopted to clearly explain the penalty of any false or misleading statements resulting in a crisis nursery overpayment.

Factual Basis:

This regulation is necessary for consistency with Section 11466.22 of the Welfare and Institutions Code, which provides, in part; "that the department shall develop regulations for recovery of any group home provider sustained overpayment...". This regulation is also necessary for consistency with Section 11462.7 of the Welfare and Institutions Code that provides in part, that until a rate structure is developed for crisis nurseries, the group home rate structure shall be used. As the rate structure for group homes is used for crisis nurseries, all the requirements therein also apply, including the penalties for overpayment as specified in this regulation.

Article 3. and Section 86517 and Titles

Specific Purpose/Factual Basis:

A new article number and title and section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Section 86517(a)

Specific Purpose:

This regulation is adopted to clearly explain the nondiscrimination policy adopted by the Department for anyone wanting to apply for a crisis nursery license.

Factual Basis:

This regulation is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. This regulation is also necessary for consistency with anti-discrimination federal law, i.e., Unruh Civil Rights Act.

Section 86518 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86518 et seq.

Specific Purpose:

These sections are adopted to clarify the crisis nursery application process for prospective licensees, licensing staff, and interested individuals.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Subparagraph (a) of this section is necessary to explain that anyone may apply for a crisis nursery license. This regulation is also necessary to be consistent with other children’s residential facility regulations.

Subparagraph (b) et seq. is necessary to clarify that applicants must attend an orientation unless they meet specified conditions. This regulation is necessary because applicants will benefit from an orientation that will aid in clarifying the application process and role of the licensing agency.

Subparagraphs (c) and (d) are necessary to clarify that licensees shall work with the licensing agency in supplying or verifying documentation as requested, and to fully explain all the supporting documentation and criteria required in the application. These regulations are necessary for consistency with Health and Safety Code Section 1520 which specifies application criteria.

Subparagraphs (e), (f) and (g) are necessary to clarify that the application and necessary forms shall be signed, and that the licensing agency shall file the application with its regional office.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the outdoor activity policies and procedure standards are also applicable to crisis nurseries and is using the criteria that apply.

Final Modifications:

The Department has amended Section 86518 for clarity, consistent with the types of changes made to Section 82018 in ORD #0704-05, OAL File No. 06-1117-10S.

Section 86518(a) is renumbered to Section 86518(b) and combined with Section 86518(d) and amended for clarity to delete unnecessary language and to add reference to form LIC 200 (8/04) which is the application form made available by the Department.

Section 86518(b) is renumbered to Section 86518(a) and amended for clarity to use consistent terminology replacing “licensing agency” with “Department.”

Section 86518(c) is renumbered to Section 86518(d) and amended for clarity deleting “and/” and “as” as well as using consistent terminology by replacing “licensing agency” with “Department.”

Sections 86519(d)(1)-(3), (5)-(7) and (9) are renumbered to Sections 86518(b)(1)-(7) and amended for clarity to delete unnecessary language and to change language to be consistent with the information contained on form LIC 200.

Sections 86519(d)(2)(A) is renumbered to Section 86518(c)(1). Section 86518(c)(2) is added taking language from Section 86518(d)(2) that is not applicable to form LIC 200.

Section 86518(d)(2)(B) is renumbered to Section 86518(c)(4) and amended to delete unnecessary language and to correct “which” to “that.”

Sections 86518(d)(4) through (d)(4)(B) are renumbered to Sections 86518(d)(6) through (d)(6)(B) and amended for clarity to use consistent terminology replacing “licensing agency” with “Department,” deleting unnecessary language, and adding “proposed” before “licensee” and making grammatical corrections.

Sections 86519(d)(8) and (10) are repealed as not relevant to a crisis nursery application.

Sections 86518(d)(11) through (19) are renumbered to Sections 86518(c)(5), and (7)-(14), respectively, and amended for clarity adding subsection number (A) in renumbered Handbook Sections (c)(5) and (14), adding subsections to referenced sections in renumbered Sections (c)(8) and (15), adding subsection (A) to renumbered Section 86518(d)(8) to incorporate information from Section 86518(d)(6) that is not applicable to form LIC 200, replacing “licensing agency” with “Department,” deleting unnecessary language, and adding the section titles after referenced sections in renumbered Sections 86518(c)(11) and (13).

Section 86519(d)(20) is repealed as not relevant to a crisis nursery applicant.

Sections 86518(d)(21) and (22) are renumbered to Sections 86518(c)(15) and (16) and amended for clarity by deleting unnecessary language, add the subsection to the referenced section in renumbered Section (c)(15), add subsection number (A) in renumbered Handbook Section (c)(16) and replacing “this chapter” with “[the Community Care Facilities Act].”

Sections 86518(e) and (e)(1) are combined and amended for clarity to delete unnecessary language.

Section 86518(f) is amended for clarity by adding “Department’s Children’s Residential Program” before “licensing,” replacing “agency which” with “office that” and “in which” with “where” and “facility” with “crisis nursery.”

Section 86518(g) is renumbered to Section 86518(c)(3) and amended to delete unnecessary language.

Section 86519 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86519 et seq.

Specific Purpose:

The specific purpose of adopting these regulations is to require a criminal record clearance of all individuals working/volunteering in a crisis nursery facility (unless specified otherwise), and to clearly explain the penalties of non-compliance.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1522 of the Health and Safety Code that requires, in part, a criminal record clearance from an appropriate law enforcement agency of any person before being issued a license to operate a community care facility, and specified penalties for non-compliance. These regulations are also necessary for consistency with Section 1526.8 of the Health and Safety Code that requires a criminal record clearance of crisis nursery volunteers.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities.

This section is consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption requirements for community care facilities. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Licensing forms 508 and 9182 are incorporated in this section by reference. These forms are necessary for carrying out the criminal record clearance procedures required by this section.

Section 86519.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86519.1 et seq.

Specific Purpose:

These regulations are adopted to clearly explain the Department's policies regarding criminal exemption procedures. Adopting these regulations clearly explains which crimes are not exemptible and the criteria the Department uses to grant criminal exemptions for individuals wanting to work or volunteer in a crisis nursery.

Factual Basis:

Adopting these regulations meets the "necessity" and "consistency" standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary for consistency with Section 1522 of the Health and Safety Code that allows, in part, exemption of certain criminal convictions of individuals who want to work or volunteer in a crisis nursery. These sections are necessary to clearly explain which crimes can and can not be exempted, and to explain the exemption procedures.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities.

These regulations are consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption requirements for community care facilities. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Licensing forms 300A, 300B, 300C, 300D, 301E, 508, and 9188 are incorporated in this section by reference. These forms are necessary for carrying out the exemption procedures required by this section.

Section 86519.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86519.2

Specific Purpose:

The specific purpose for this section is to require a Child Abuse Central Index (CACI) check of all individuals applying for licensure, or working/volunteering in a crisis nursery facility (unless specified otherwise), to explain Departmental procedures for a CACI check, and to clearly explain the penalties of non-compliance.

Factual Basis:

Adopting this regulation meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1522.1 of the Health and Safety Code that requires, in part, the Department to check the Child Abuse Registry before granting a license to any individual to care for children. This section is also necessary for consistency with Section 1526.8 of the Health and Safety Code that requires a Child Abuse Central Index (CACI) check of crisis nursery volunteers.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting this section the Department reviewed existing standards governing similar licensed children’s residential facilities.

This section is consistent with recent regulations (ORD #0902-23) effective on August 20, 2004 that included the most up-to-date information regarding criminal record clearance/exemption and CACI requirements for community care facilities. Lastly, the Department has adopted this regulation as a health and safety measure protecting children placed in crisis nurseries.

Licensing forms 198 and 198A are incorporated in this section by reference. These forms are necessary for carrying out the CACI check procedures required by this section

Section 86520 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86520 et seq.

Specific Purpose:

These sections are adopted to clarify that crisis nurseries are required to secure and maintain an appropriate fire clearance.

Factual Basis:

Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the fire clearance standards are also applicable to crisis nurseries and is using the criteria that apply.

Section 86521 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86521 et seq.

Specific Purpose:

These regulations are adopted to clarify that crisis nurseries are required to maintain a water supply clearance when the water is from a private source.

Factual Basis:

The Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the water supply clearance standards are also applicable to crisis nurseries and is using the criteria that apply.

Section 86522 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86522(a), (b), and (b)(1) through (b)(21)

Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to develop and follow a specific plan of operation.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries specifically explain how a crisis nursery plans to operate. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding a crisis nurseries plan for operating.

This regulation is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the plan of operation

standards are also applicable to crisis nurseries and is using the criteria that apply. Specifically the Department looked mostly to the General Licensing Requirement regulations and Group Home regulations that care for children under the age of six.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Final Modification:

Section 86522(b)(3) is renumbered to Section 86522(b)(5). New Section 86522(b)(3) is added for clarity to include the phrase “description of services to be provided.”

Section 86522 (b)(4) is renumbered to Section 86522(b)(6). New Section 86522(b)(4) is added for clarity to include a “description of the children to be served.”

Renumbered Section 86522(b)(5) is amended for clarity and specificity in recognition that there is a distinction between admission forms and admission agreements by adding the admission form with a cross reference to Section 86568.1(c) and the admission agreement with a cross reference to Section 86568.1(d).

Sections 86522 (b)(4) through (b)(17) are renumbered to Sections 86522(b)(6) through (b)(19), respectively.

Renumbered 86522(b)(6) deletes unnecessary the language “if applicable.”

Renumbered 86522(b)(12) is amended to provide clarity to delete “and/” as “or” is sufficient, and for clarity and ease of use added the title of the cross-referenced section, “Safeguards for Personal Property and Valuables.”

Renumbered Section 86522(b)(13) is amended for clarity and grammatical correction by adding “description of” and for consistency and clarity replaced the word “facility” with “crisis nursery.”

Renumbered Section 86522(b)(14) is amended for consistency and clarity by replacing the word “facility” with “crisis nursery” and “client” to “child.” Renumbered Section 86522(b)(14) Handbook provisions, are deleted as unnecessary language as the information is now incorporated in renumbered Section 86522 (b)(14).

Renumbered Section 86522(15) is amended for clarity and consistency by replacing the word “clients” with “children.”

Renumbered Section 86522(b)(19) is amended to delete “these” as unnecessary language.

Section 86522(b)(18) is deleted as duplicative of renumbered Section 86522(b)(13).

Section 86522(b)(19) is renumbered to (b)(20).

Section 86522(b)(20) is renumbered to (b)(21)

Section 86522(b)(21) is renumbered to Section 86522(b)(22) and amended for clarity to delete the unnecessary phrase “plan shall contain all” as it is duplicative of Section 86522(b) and for grammatical correction by replacing the word “which” with “that.”

Section 86522(b)(21) is renumbered to Section 86522(b)(23) and amended for clarity and consistency by deleting the language “under the age of 3” as this regulation is applicable to all crisis nursery children. Additionally, renumbered Section 86522(b)(23) is amended for clarity to delete the superfluous language “to those children” and to replace the phrase “work schedule consistent with this policy” to “a consistent work schedule.”

Section 86522(b)(22)

Specific Purpose:

The specific purpose of this regulation is to clarify that a crisis nursery is required to minimize the number of different caregivers/volunteers that provide care and supervision to children under the age of 3.

Factual Basis:

This regulation is necessary to ensure that the licensee minimize the number of staff who care for children under the age of 3 on a daily basis to promote the development of a stable relationships between care provider and child.

The importance of this regulation is illustrated in research performed by professionals in the field of child development that show a detrimental effect in the behavioral development of very young children cared for in a group setting with high staff turnover.

The Department has adopted this regulation as a health and safety measure protecting children placed in crisis nurseries.

Sections 86522(c), (d), and (e)

Specific Purpose:

The specific purpose of these regulations is to require crisis nurseries to develop precautionary measures if they chose to admit children with severe behavioral issues, to clarify that any changes to the plan of operation must be approved by the licensing agency, and to clarify that crisis nurseries must follow their plan of operation or be subjected to a citation.

Factual Basis:

This regulation is necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the plan of operation standards are also applicable to crisis nurseries and is using the criteria that apply. Specifically the Department looked mostly to the General Licensing regulations and Group Home regulations that care for children under the age of six.

The Department adopts these regulations because they are reasonable and applicable for crisis nurseries to ensure the health and safety of children in care.

Final Modification:

Section 86522(c) is amended to provide clarity to delete "and/" as "or" is sufficiently capable and to delete the term "crisis nursery's" as unnecessary.

Section 86522(d) is amended for clarity and consistency by replacing "licensing agency" with Department and for clarity and ease of use by adding the subsection (d) to the cross referenced section.

Section 86522(e) is amended for clarity and consistency to change the term "facility" to "crisis nursery."

Section 86523 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86523 et seq.

Specific Purpose:

The Department adopts these regulations to specify that a crisis nursery is required to develop and follow a specific Emergency Plan.

Factual Basis:

Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category. In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the emergency plan standards are also applicable to crisis nurseries and is using the criteria that apply.

Final Modification:

Prefatory language in subsection (a) is repealed as unnecessary language.

Section 86523(a)(1) is renumbered to Section 86523(a) and amended for clarity and specificity that the licensee shall provide the plan "to the Department" and amended to require the licensee to post the plan in the crisis nursery.

Section 86523(a)(2) is renumbered to Section 86523(b) and amended for clarity, specificity, by replacing "emergency information, instructions" with "instructive procedures, and information." Additionally, subsection (b) is amended for clarity and specificity to add the phrase "for local emergency agencies" to "telephone numbers" and to replace "children's" with "child." The term "responsible party" is replaced with "authorized representative" for clarity and consistency.

Section 86523(a)(3) is renumbered to Section 86523(c) and amended for clarity to add the word "emergency."

Sections 86523(a) through (4) (B) are renumbered to Sections 86523(d) through (d)(2), respectively. Additionally, these sections are amended for clarity, and correct grammar by replacing the word "drills" with "training exercises" and the phrase "the drills" with "emergency training exercises," respectively.

Section 86524 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86524(a), (b), and (c)

Specific Purpose:

The specific purpose of these regulations is to clarify that crisis nurseries shall be in compliance with licensing regulations unless a waiver or exception is made to a specific regulation.

Factual Basis:

Adopting these regulations is necessary to afford crisis nurseries waiver and exception standards. For example, these regulations would be necessary if a licensee were to develop a standard that would meet the spirit of a regulation without explicitly following a regulation.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the waiver and exception standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86524(a) is amended for consistency by replacing "licensing agency" with Department." and amended for clarity and specificity by deleting "(b) below" and replacing it with "Section 86524(d)."

Section 86524(b) is amended for consistency by replacing "licensing agency" with Department." Crisis nurseries are only licensed by the Department of Social Services.

Section 86524(b)(1) is amended for clarity and grammatical correction by replacing "Such" with "A."

Section 86524(b)(2) is amended for clarity, consistency, and specificity by deleting "applicant or caregiver" and replacing the phrase with "Administrator or Administrator Designee" and for consistency by replacing "licensing agency" with "Department."

Section 86524(c) is renumbered to Section 86524(d)(1) and amended for consistency to delete the term "its facility" and replace it with "the crisis nursery."

New Sections 86524(c) et seq. through (d) are added for clarity, as well as consistency with Section 82024 in ORD #0704-05 approved by the Office of Administrative Law, OAL No. 06-1117-10S, to provide in Section 86524(c) that, “Within 30 days of receipt of a request for a waiver or an exception, the Department shall notify the crisis nursery, in writing, or one of the following:” to provide in Section 86524(c)(1) that “The request with substantiating evidence has been received and accepted for consideration and in Section 86524(c)(2) that, “The request is deficient, needing additional information as described for the request to be acceptable and a time frame for submitting this information.” Section 86524(c)(2)(A) provides, “Failure to submit the requested information within the time specified shall result in denial of the request.” Section 86524(d) provides that, “Within 30 days of the Department’s acceptance of a completed request for a waiver or an exception, the Department shall notify the applicant or licensee, in writing, whether the request has been approved or denied.”

Section 86526 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86526(a) through (c)(1)

Specific Purpose:

The specific purpose of these sections is to clarify the role of the licensee to ensure that the child’s personal property and valuables are secure and the procedure for returning the personal property upon the child leaving the facility.

Factual Basis:

Adopting these regulations is necessary to create standards to safeguard a child’s personal property and valuables when placed in a crisis nursery.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the standards for safeguarding a child's personal property and valuables also apply to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter, 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86527 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86527 et seq.

Specific Purpose:

These sections are adopted to clarify the procedures for the initial application review process.

Factual Basis:

Adopting these regulations is necessary to clarify for the applicant that the Department does an initial review of the application and to inform the applicant of the number of days licensing is required to complete the initial application review process. Additionally, these regulations are necessary to comply with Section 1520.3 of the Health and Safety Code that requires licensing to cease review of the application under specified conditions.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the initial application review standards are also applicable to crisis nurseries and is using the criteria that applies.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86527(a) is amended for clarity by adding the phrase “supporting documents described in Section 86518 Application for License.” Additionally, Section 86527(a) is amended for clarity by deleting “by the licensing agency” and for consistency by replacing the second reference to “licensing agency” with “Department.”

Section 86527(a)(1) is amended for clarity and consistency with amended Section 86531 to add “and accepted for consideration.”

Section 86527(b) and (b)(1) are renumbered to Section 86527(a)(2)(A) and amended for clarity by deleting unnecessary language and replacing “licensing agency” with “Department” and “facilities” with “crisis nursery.”

Section 86527(c) is renumbered to Section 86527(b) and amended for consistency by replacing “licensing agency” with “Department” and referring to “Health and Safety Code

Section 1520.3” instead of Section 1520.3 of the Health and Safety Code.” Handbook is numbered Section 86527(b)(1) and amended for ease of use by deleting unnecessary internal citations.

Section 86527(c)(1) is renumbered to Section 86527(d) and amended for consistency by replacing “licensing agency” with “Department.” Sections 86527(c)(1)(A) through (c) are renumbered to Sections 86527(d)(1) through (3).

Section 86527(c)(2) is renumbered to Section 86527(e) and amended for clarity by replacing “This” with “The application.”

Section 86527(c)(3) is renumbered to Section 86527(c) and amended for clarity by adding the subsection reference to Health and Safety Code Section 1530.3.

Section 86527(c)(4) is renumbered to Section 86527(c)(1) and amended for clarity and ease of reference by adding the subsection of the cross referenced Section 86536.

Handbook Section 86527(e) is renumbered to Section 86527(f) and amended for consistency and clarity by replacing the terms "licensing agency " with "Department," "facility" with "crisis nursery," and "applicant" with "administrator." Additionally, unnecessary language is deleted in Handbook Sections 86527(e)(3) and (4).

Section 86528 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86528 et seq.

Specific Purpose:

This section is adopted to establish standards for determining the capacity in crisis nurseries.

Factual Basis:

These regulations are necessary to be consistent with Section 1516 of the Health and Safety Code that limits the maximum capacity of a crisis nursery to 14 and requires county placements to make-up no more than 1/3 of a crisis nurseries licensed capacity.

These regulations are necessary to be consistent with Section 1516 of the Health and Safety Code that grandfathers in group homes licensed on or before January 1, 2004 with a licensed capacity greater the 14 but less than 21 and provides crisis nursery services.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the capacity determination standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86529 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86529 et seq.

Specific Purpose:

These regulations are adopted to clarify the procedures for withdrawing an application.

Factual Basis:

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 that require the Department to develop regulations and license crisis nurseries. This section is necessary to comply with Section 1553 of the Health and Safety Code that specifies the process for an applicant's withdraw of an application.

Section 86531 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86531 et seq.

Specific Purpose:

The specific purpose for these adoptions is to clarify the procedures for issuing a license.

Factual Basis:

The standards for licensing found in these regulations were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86531.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86531.1 et seq.

Specific Purpose:

The specific purpose for the adoption of these regulations is to ensure that crisis nurseries are initially issued a provisional license.

Factual Basis:

These regulations are necessary to ensure that the crisis nursery operates within substantial compliance for a time period as specified.

The standards for a provisional license found in this section were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86531.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86531.2 et seq.

Specific Purpose:

The specific purpose of adopting these regulations is to create standards for issuance of a permanent license.

Factual Basis:

These sections are necessary to specify that a licensee is issued a permanent license when they satisfy the requirements of a provisional license.

The standards for a permanent license found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86534 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86534 et seq.

Specific Purpose/Factual Basis:

The specific purpose of this section is to create standards that explain the conditions requiring a licensee to submit a new application.

The standards for submitting a new application found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86535 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86535 et seq.

Specific Purpose:

The specific purpose of these regulations is to specify the conditions under which a crisis nursery license may be forfeited.

Factual Basis:

These regulations are necessary to comply with Section 1524 of the Health and Safety Code that specifies, in part, the conditions under which a community care facility license may be forfeited.

The standards for forfeiting a license found in these regulations were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004.

Section 86536 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86536 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish application and processing fees for crisis nurseries.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with Section 1523.1 of the Health and Safety Code that establish application and annual fees for crisis nurseries. These regulations will clarify for the licensees the application processing fees and subsequent annual fees based on capacity.

These regulations are also necessary for consistency with Section 13143 of the Government Code that specifies the conditions under which annual processing fees are refundable.

Article 4. and Section 86540 and Titles

Specific Purpose/Factual Basis:

A new Article 4. and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Sections 86540(a), (a)(1) and (a)(2)

Specific Purpose:

The specific purpose of adopting these regulations is to clearly explain that the licensing agency has the authority to deny an application for licensure based on specified circumstances.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These sections are necessary for consistency with Sections 1520.11 and 1550 of the Health and Safety Code that permits the Department to deny, revoke, or suspend an application or license under specified conditions.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the existing standards to deny, revoke or suspend an application are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86540 (b), (c), and (d)

Specific Purpose:

The specific purpose of these regulations is to explain the Departmental procedures for denial of an application for licensure, and to explain the right of an applicant to appeal a denial.

Factual Basis:

Adopting these regulations meets the “necessity” and “consistency” standards of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. These regulations are necessary for consistency with Sections 1526 and 1551 of the Health and Safety Code that require, in part, the Department to notify the applicant in writing of the denial, and the specifics for appeal proceedings.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the existing standards to notify the applicant in writing of the denial and the specifics for appeal proceedings are also applicable to crisis nurseries and is using the criteria that applies.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86540(e)

Specific Purpose:

The specific purpose of this regulation is to inform a licensee that they shall not operate a facility pending a decision on the denial action.

Factual Basis:

This regulation is necessary to make clear to the licensee that they shall not operate a facility until a decision is made by the Director to uphold or overturn a denial of a license.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the standards that indicate that a licensee not operate a facility until a decision is made by the Director to uphold or overturn a denial of a license are also applicable to crisis nurseries and is using the criteria that apply.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86542 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Section 86542(a)

Specific Purpose:

The specific purpose of this regulation is to clarify that the Department may suspend or revoke a license.

Factual Basis:

This regulation is necessary for consistency with Sections 1550 and 1550.5 of the Health and Safety Code that specify in part the conditions under which the Department may suspend or revoke a license.

In adopting these sections, the Department reviewed existing standards governing similar licensed children’s residential facilities and determined that most of the standards under which the Department may revoke or suspend a license are also applicable to crisis nurseries and is using the criteria that apply.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86542(b)

Specific Purpose:

The specific purpose for this regulation is to clarify that the Department shall conduct proceedings for revocations or suspension actions.

Factual Basis:

This regulation is necessary for consistency with Section 1551 of the Health and Safety Code that specifies in part how the suspension or revocation proceedings shall be conducted.

In adopting this regulation, the Department reviewed existing standards governing similar licensed children's residential facilities and is using current standards for suspension and revocation proceedings that are also applicable to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86542(c)

Specific Purpose:

The specific purpose of this regulation is to clarify that the Office of Administrative Hearings will hold revocation and temporary suspension action hearings.

Factual Basis:

This regulation is necessary to establish the procedure that hearings will be held by the Office of Administrative Hearings at the request of the Director. This regulation is also necessary to establish time frames for these hearings.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards that establish timeframes for administrative hearings that are also applicable to crisis nurseries.

This section is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86544 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86544 et seq.

Specific Purpose:

The specific purpose of these regulations is to clarify that the Department has the authority to inspect a crisis nursery.

Factual Basis:

These regulations are necessary to be consistent with Sections 1526.5, 1533, 1534, and 1538 of the Health and Safety Code that give the Department authority to inspect crisis nurseries. These regulations are also necessary to clarify that the Department has the authority to interview children and staff, and to observe the physical condition of children to ensure their health and safety.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the inspection standards are also applicable to crisis nurseries and is using the criteria that apply.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86544(a) is amended for clarity and consistency to replace "licensing agency" with "Department." The handbook sections are numbered (a)(1) through (4).

Sections 86544(b) and (b)(1) are amended for clarity, consistent with changes made to Section 80044 in ORD #0803-18, approved by the Office of Administrative Law, operative May 9, 2005 (Register 2005, No. 19). Specifically, Section 86544(b) is amended to delete "and to inspect and audit child(ren) or crisis nursery records" and Section 86544(b)(1) is amended to delete the phrase "and for the examination of all records relating to the operation of the crisis nursery."

Section 86544(c) is amended to delete the unnecessary word "licensed" since medical professionals are by definition in Section 86001(m), licensed.

Sections 86544(d) and (d)(1) are added consistent with Sections 80044(c) and (c)(1) to specify the Department's authority to inspect, audit, copy, and remove if necessary, child or crisis center records.

Section 86545 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86545 et seq.

Specific Purpose:

The specific purpose of these regulations is to clarify that the Department has the authority to conduct evaluation visits.

Factual Basis:

These sections are necessary to be consistent with Sections 1534 and 1548 of the Health and Safety Code that specify in part, that the Department has the authority to visit community care facilities as often as necessary to ensure compliance with applicable laws and regulations.

These regulations are also necessary to make clear to the licensee that a representative of the Department has the authority to make as many visits without advance notice.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using standards for visits that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86546 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86546 et seq.

Specific Purpose:

The specific purpose of these regulations is to clarify the conditions under which an individual may be excluded from a crisis nursery.

Factual Basis:

These sections are necessary to be consistent with Sections 1558, and 1558.1 of the Health and Safety Code that specify the conditions which the Department may prohibit an individual from being affiliated with a crisis nursery.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards for prohibiting an individual from being affiliated with a facility that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Article 5. and Title and Section 86552 and Title

Specific Purpose/Factual Basis:

A new Article 5. title and section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Sections 86552(a), (b), (c), and (d) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish standards for documenting and issuing a notice of deficiency.

Factual Basis:

The Department is adopting these regulations because it is necessary to establish a standard for licensing staff to notify a licensee's that they are deficient in complying with applicable laws and regulations. This standard is also necessary to reasonably allow the licensee to fix the deficiency by establishing a plan of correction, and to clearly explain the penalties of non-compliance.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the standards for notifying a licensee that they are deficient in complying with applicable laws and regulations are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86552(e) and (f)

Specific Purpose:

The specific purpose of these regulations is to provide examples of serious deficiencies.

Factual Basis:

The Department is adopting these regulations because it is necessary to clarify for the licensee, licensing staff, and interested individuals the type of violations considered to be serious violations of applicable laws and regulations.

In adopting these sections, the Department reviewed existing standards governing similar licensed children's residential facilities and determined that most of the types of violations considered to be serious violations in those facilities are also applicable to crisis nurseries and is using the criteria that apply.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86553 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86553 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish standards requiring licensing staff to conduct a follow-up visit to ensure a licensee, who was previously out of compliance with applicable laws and regulations, is now compliant.

Factual Basis:

These regulations are necessary to ensure licensees are compliant with applicable laws and regulations.

The standards for follow-up visits determining compliance of applicable laws and regulations found in this section were taken from existing standards found in existing regulations governing other children’s residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.

Section 86554 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86554 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish and clarify the assessment of penalties for non-compliance.

Factual Basis:

These regulations are necessary for consistency with Section 1548 of the Health and Safety Code that authorizes the Department to levy civil penalties to community care facilities due to non-compliance with applicable laws and regulations, and requires the Department to develop regulations consistent with this section.

The standards for penalties found in this section were taken from existing standards found in existing licensing regulations governing other children's residential categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.

Section 86555 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86555 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish standards for an administrative review process of any notice of deficiency or penalty if requested by the licensee or the licensee's designee.

Factual Basis:

The Department is adopting these regulations because it is necessary to create a review process for any notice of deficiency or penalty that the licensee deems inappropriate. This section affords licensees the right to have the notice reviewed by Departmental management when they feel the notice was wrongly given.

The standards for administrative review found in this section were taken from existing standards found in existing regulations governing other children's residential licensing categories. The Department determined that these standards were necessary and appropriate for crisis nursery programs and to effectively create a new licensing category as mandated by SB 855, Chapter 664, Statute of 2004. This section was also adopted to ensure the health and safety of children placed in crisis nurseries.

Section 86555.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1

Sections 86555.1 et seq.

Specific Purpose:

These regulations are adopted to clarify that the Department may deny or revoke a licensee’s license if the licensee fails to pay their civil penalties.

Factual Basis:

These regulations are necessary to make clear to the licensee that if their license is revoked or denied by the Department they may appeal the action in accordance with Section 1551 of the Health and Safety Code. These regulations are also necessary to clarify that the Department has the authority to approve the payment arrangements and the form of payment by the licensee.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using standards for denying or revoking licenses if a licensee fails to pay civil penalties that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86558 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86558 et seq.

Specific Purpose:

The specific purpose of these sections is to establish standards for assessing civil penalties for unlicensed crisis nurseries.

Factual Basis:

These regulations are necessary for consistency with Section 1547 of the Health and Safety Code that authorizes the Department to levy civil penalties for unlicensed facilities due to non-compliance with applicable laws and regulations, and requires the Department to develop regulations consistent with this section.

These regulations also makes clear to the unlicensed provider of the standards that the department uses to determine what actions to take and the amount of the civil penalty including the method of payment.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using current standards for other facilities for the determination of actions to be taken, the amount of civil penalties, and the method of payment that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86559 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86559 et seq.

Specific Purpose:

The specific purpose of these regulations is to establish an appeal process for facilities cited for operating an unlicensed crisis nursery.

Factual Basis:

These regulations are necessary for consistency with Section 1547 of the Health and Safety Code that allows, in part, an operator to appeal a civil penalty assessment for operating an unlicensed crisis nursery, and requires the Department to develop regulations consistent with this section.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using standards for appeal that are also applicable to crisis nurseries.

These sections are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Article 6. and Section 86561 and Titles

Specific Purpose/Factual Basis:

A new Article 6. and title and section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

The Department has reorganized and amended Section 86561 for clarity and consistency with the types of changes made to Section 102416.2 in ORD #1103-28, OAL File No. 06-0703-05SR. Also, at the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Sections 86561(a) through (e) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish reporting requirement standards that the licensee must furnish to the licensing agency.

Factual Basis:

These regulations are necessary to clarify that the licensee is required to furnish specified reports to the licensing agency and to establish time frames for submitting this information.

These regulations are also necessary to be consistent with Section 11164 et seq. of the Penal Code that requires, in part, crisis nursery staff to be mandated reporters.

These regulations are also necessary to require the licensee to keep the child's authorized representatives, if any, involved.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using current standards for other facilities that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86561(a) is repealed and (b) is renumbered to (a), referring to all reports that must be submitted within the next business day; and in writing within seven days. Current Sections 86561(b)(1)(A) and (B) are combined and renumbered as Section 86561(a)(1). Current Section 86561(b)(1)(B)1. is renumbered to Section 86561(a)(1)(A). Current Sections 86561(b)(1)(C) through (G) and (I) are renumbered to Sections 86561(a)(1) through (7). Current Section 86561(b)(1)(H) is repealed as vague, and inclusive of new Section 86561(a)(3).

Current Section 86561(b)(1)(C) is renumbered to Section 86561(a)(2) and amended for clarity to replace the phrase “injury to any child which requires medical treatment” to “injury to any child that requires treatment by a medical professional.”

Current Section 86561(b)(1)(E) is renumbered to Section 86561(a)(4) and amended for clarity to delete the phrase “physical or psychological abuse of any child” and replace it with “abuse or neglect, as defined in Section 11165.6, of any child in care, in addition to reporting requirements pursuant to Penal Code Section 11166.”

Current Section 86561(b)(1)(F) is renumbered to Section 86561(a)(5) and amended for clarity to delete the term “epidemic outbreaks” and replace it with the phrase “A communicable disease outbreak when determined by the local health authority.”

Current Section 86561(b)(1)(G) is renumbered to Section 86561(a)(6).

Current Section 86561(b)(1)(H) is repealed as it is considered a part of Section 86561(a)(3)

Current Section 86561(b)(1)(I) is renumbered to Section 86561(a)(7) and amended grammatically to replace the word "which" with "that."

Current Section 86561(c) is repealed as duplicative of renumbered Section 86561(a)(4) and current Section 86561(c)(1) is repealed as it is not a reporting requirement.

Current Sections 86561(b)(2)(A) through (D) are renumbered to Sections 86561(c)(1) through (4), and amended for clarity.

Current Sections 86561(d) and (d)(2) are amended for clarity. Current Section 86561(d)(3) and (d)(3)(A) are combined and amended grammatically. Current Section 86561(d)(3)(B) is repealed as it is not a reporting requirement.

Current Section 86561(e) is renumbered to Section 86561(b) and amended for clarity and consistency with other facility types. The Department made similar amendments to Section 102416.2 in ORD #1103-28, OAL File No. 06-0703-05SR.

Sections 86561(f) and (g) et seq.

Specific Purpose:

The specific purpose of these regulations is to require the licensee to report information to the local health officer or local fire authority/State Fire Marshal when appropriate. Also, Title 17, California Administrative Code, Sections 2500 is provided in Handbook for easy reference.

Factual Basis:

These regulations are adopted as health and safety measures protecting children placed in crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using health and safety measures that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Current Section 86561(f) and Handbook Sections (f)(1) through (3) are repealed. Current Sections 86561(i), (i)(1) and (i)(2) are renumbered to Sections 86561(f), (f)(1) and (f)(2). Current Section 86561(g) is renumbered to Section 86561(a)(7)(A) and amended for clarity.

Section 86561(h)

Specific Purpose:

The specific purpose of these regulations is to establish standard for reporting substantiated complaints. Also, Health and Safety Code Section 1538.5(a)(1) is provided in Handbook for easy reference.

Factual Basis:

This regulation is necessary for compliance with Section 538.5 of the Health and Safety Code that provides, in part, that the licensee may transmit a copy of substantiated complaints as designated in the placement agreement.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards for reporting substantiated complaints that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86561(h) is renumbered to Section 86561(e) and amended for clarity. Handbook material in Section 86561(h) is numbered as Sections 86561(h)(1) and (2) deleting portions that are not relevant to the licensee's reporting requirements.

Sections 86561(i) and (j) et seq.

Specific Purpose/ Factual Basis:

The specific purpose of these regulations is to establish standards that clarify the circumstances where a licensee is required to provide specified information to the child's authorized representative.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards for providing information to the child's authorized representative that are also applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Current Sections 86561(i), (i)(1), and (1)(2) are renumbered to Sections 86561(f), (f)(1) and (f)(2). Renumbered Section 86561(f) is amended to replace the term "working day" with "business day" for clarity and consistency. Renumbered Section 86561(i)(1) is amended for consistency to replace the term "facility" with "crisis nursery." Current Section 86561(j) is renumbered to Section 86561(g) and amended for clarity by deleting the phrase "to another facility."

Sections 86561(k), (l) and (m) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish reporting requirement standards relating to change in administrator, a new board member, and criteria for incident reports that the licensee must furnish to the licensing agency.

Factual Basis:

These regulations are necessary to clarify that the licensee is required to furnish specified information to the licensing agency and to establish time frames for submitting this information.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using reporting requirement standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Current Sections 86561(k)(1) through (k)(3)(A) are renumbered to Sections 86561(d)(5)(A) through (d)(5)(C)1. and amended for clarity. Section 86561(k)(4) is renumbered to Section 86561(d)(6) and amended for clarity. Current Sections 86561(l)(1) and (2) are renumbered to Sections 86561(d)(4)(A) and (B) and amended for clarity. Current Section 86561(l)(3) is repealed as it is not a reporting requirement. Current Sections 86561(m)(5)(A) through (F) are renumbered to Sections 86561(a)(3)(A)1. through (A)6. and amended for clarity. Current Sections 86561(m)(1) and (2) are repealed as duplicative of renumbered Section 86561(c)(2). Current Sections 86561(m)(3)(A) and (B) et seq. are renumbered to Sections 86561(c)(5)(A) and (B) and amended for clarity. Current Section 86561(m)(4) is repealed as duplicative of renumbered Section 86561(c)(4).

Sections 86561(n) and (o) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish a procedure for reporting to the Department specific information regarding the client population in each Crisis Nursery.

Factual Basis:

These sections are necessary for consistency with Section 1516 of the Health and Safety Code that requires, in part, that licensed crisis nurseries report to the Department on a monthly basis the total number of children placed in the program, whether each child is voluntarily placed or placed directly by the county child welfare system and the length of stay of each child.

Licensing form 9219 is incorporated in this regulation by reference. The form was created because it was necessary to carry out the provisions of Section 1516 of the Health and Safety Code.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Current Sections 86561(n) and (n)(1) through (n)(3) are renumbered to Sections 86561(h) and (h)(1) through (h)(3) and amended for clarity by replacing the term “A crisis nursery” with “The licensee” in renumbered Section 86561(h) and by making other clarifying and grammatical word changes in renumbered Sections 86561(h)(1) and (3). Section 86561(o) is moved to Section 86570 because it is not a reporting requirement.

Section 86561(p)

Specific Purpose:

The specific purpose of this regulation is to clarify for the licensee that they must inform and receive approval of any changes to the plan of operation.

Factual Basis:

This regulation is necessary to clarify that a licensee must be consistent with and comply with the plan of operation that was originally approved and any changes to that plan must be approved by the Department.

In adopting this regulation the Department reviewed existing standards governing similar licensed children’s residential facilities and is using reporting requirement standards that are applicable to crisis nurseries.

This regulation is also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Section 86561(p) is renumbered to Section 86561(d)(6)(A).

Section 86562 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86562 et seq.

Specific Purpose:

The specific purpose of these regulations is to ensure that licensees are financially able to operate a crisis nursery.

Factual Basis:

These regulations are necessary to comply with Section 1520 of the Health and Safety Code that requires, in part, that the licensee show “evidence satisfactory to the Department that the applicant has sufficient financial resources to maintain the standards of service required by regulations adopted pursuant to this chapter.”

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using finance standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Final Modification:

Sections 86562(a)(3) and (a)(3)(B) are amended for clarity and consistency to replace the term “licensing agency” with “Department.”

Sections 86562(a)(3)(C) through (a)(3)(C)2. are adopted for clarity, to be consistent with Section 82062 in ORD #0803-18, approved by the Office of Administrative Law, and operative May 9, 2005 (Register 2005, No. 19). Specifically added is language consistent with Sections 82062(a)(3)(C) through (a)(3)(C)2. to specify the Department’s authority to inspect, audit, copy, and remove if necessary, financial reports.

Section 86563 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86563(a) and (b) et seq.

Specific Purpose/Factual Basis:

These regulations are necessary to clarify that the licensee is accountable for the crisis nursery and explain the duties for which the board of directors is held accountable.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using accountability standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86563(c) and (d) et seq.

Specific Purpose:

The specific purpose of these regulations is to clarify that the board of directors for a crisis nursery shall receive information about their duties and responsibilities and to enhance the board members knowledge regarding the operation of a crisis nursery.

Factual Basis:

These regulations are necessary to clarify that the licensee is required to furnish each board member with information regarding their duties and responsibilities and to enhance the board members knowledge regarding the operation of a crisis nursery, and to establish procedures to prove that each board member read the information.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using accountability standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Publication 404, Facts You Need to Know - Crisis Nursery - Board of Directors and licensing form LIC 165, Board of Director Statement (7/05) are incorporated in this regulation by reference. These forms were created to provide information to the crisis nurseries board of directors and to verify that each board member read the information.

Section 86564 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86564(a), (b), and (c) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish minimum qualifications and duties for a crisis nursery administrator. For example these regulations clarify who is qualified can be an administrator, the duty requirements of an administrator, and how long the administrator must be physically present in the crisis nursery.

Factual Basis:

These regulations are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations the Department determined that crisis nurseries shall have Administrators with minimum qualification and duty standards.

In adopting this regulation the Department reviewed existing standards governing similar licensed children’s residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86564(d) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish the minimum education and experience requirements for a crisis nursery administrator.

Factual Basis:

These sections are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations, the Department determined that crisis nursery administrators shall have at a minimum a masters or a bachelor’s degree with varying work experience.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Sections 86564(e) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish the minimum standards for a crisis nursery lead care giver.

Factual Basis:

These sections are necessary to be consistent with Section 1526.8 of the Health and Safety Code that expresses the legislative intent that the Department establish modified staffing levels and requirements for crisis nurseries. In the development of these regulations the Department established minimum standards for the lead care giver to ensure the health and safety of children in care when the administrator is not physically present in the crisis nursery.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using Administrator qualification and duty standards that are applicable to crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Section 86565 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86565 et seq.

Specific Purpose:

These sections are adopted to specify requirements for personnel working in a Crisis Nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern Crisis Nurseries. Additionally, these regulations are necessary to inform the licensee of specific training and education requirements that will increase the knowledge of personnel working with the children in the program.

These regulations are also necessary for consistency with Section 1562 of the Health and Safety Code that requires the Director of Social Services to ensure that operators and staff of community care facilities have appropriate training to provide care and services for which a license is issued.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel requirement standards that are applicable to crisis nurseries.

This section creates the following crisis nursery personnel staff positions: Lead Caregiver, Caregiver, and Volunteer.

The "Lead Caregiver" staff position found in this section is modeled after "Houseparents" found in Group Home Facilities that care for children under the age of six. The "Lead Caregiver" training and education requirements were the result of a compromise with the California Alliance of Children and Family Services and because the Department determined that these requirements were appropriate for the population being served in crisis nurseries to ensure the health and safety of children in care.

The "Caregiver" education and training requirements are used from group home staff requirements and are necessary to ensure the health and safety of children in care.

The "Volunteer" requirements are necessary for consistency with Section 1526.8 of the Health and Safety Code that allows volunteers to be used as caregivers and provides for specified volunteer training standards. In addition the Department included 20 hours of annual training for volunteers as a result of input provided by Jill Duerr Berrick, Ph.D. Professor and Associate Dean for Academic Affairs University of California Berkeley and Co-Director, Center for Child and Youth Policy, and because it is necessary for health and safety of children in care.

Final Modification:

Section 86565(a)(1) is amended for clarity and consistency in three instances to change the term “licensing agency” to “Department.”

Section 86565(c) is amended to reflect the corrected subsection of the cross referenced section and to delete the word "fully" as unnecessary since Section 86565(w) provides specific criteria for volunteers.

Section 86565(e) is amended for clarity and grammatical correction to replace “provide for direct supervision” with “ensure direct supervision that meets the needs” and to add the phrase “or infants.” The regulations in Sections 86565(e)(1) and (2) are moved to new Section 86565(f) and reworded for clarity.

New Section 86565(f) is amended in response to public comment for specificity and clarity by including a ratio of adults to infants and children and qualifications and adding subsections (f)(1) “Swimming pool, (f)(2) “Any portable pool with sides so high that children using the pool cannot step out unassisted by a person or device (including a ladder)” and (f)(3) “Potentially dangerous natural bodies of water including, but not limited to, oceans, lakes, rivers and streams.”

Current Section 86565(f) is renumbered to Section 86565(g). Renumbered Section 86565(g) is amended for clarity and grammatical correction by replacing the word “which” with “that.” New Section 86565(g)(1) is added for clarity to require training or experience in the area of “early childhood development.” Current Sections 86565(f)(1) through (7) are renumbered to Sections 86565(g)(2) through (8), respectively.

Section 86565(g) is renumbered to Section 86565(h) and amended to delete “licensee” as unnecessary since the licensee must be a corporation. The language in Section 86565(g)(1) is deleted and incorporated with the language in Section 86565(g)(2) and renumbered to Section 86565(h)(1) for clarity and ease of use. Current Sections 86565(g)(2)(A) through (B) are renumbered to Sections 86565(h)(1)(A) through (B). Renumbered Section 86565(h)(1)(B) is amended for clarity and consistency to change the term “clients” with “child.” Current Sections 86565(g)(3)(A) through (g)(3)(B) are renumbered to Sections 86565(h)(2)(A) through (h)(2)(B) and amended for clarity and consistency to change the terms “facility” to “crisis nursery.”

Section 86565(h) is renumbered Section 86565(i).

Current Sections 86565(i)(1) through (i)(3) are renumbered Sections 86565(j)(1) through (3). Renumbered Section 86565(j) is amended for clarity and consistency to replace “facility with “crisis nursery.”

Renumbered Section 86565(j)(1) is amended for clarity, specificity and ease of use by replacing the phrase “law or Department regulations” with “Section 86519(c) and Health and Safety Code Section 1522.” Additionally, renumbered Section 86565(j)(2) is amended to correct punctuation by adding a comma. Renumbered Section 86565(j)(3) is amended for clarity by deleting the phrase “unless upon request for the transfer, the Department permits the individual to be employed, reside or be present at the facility” since the section already states the transfer must be approved.

Current Sections 86565(j) through (z) are renumbered to Sections 86565(k) through (aa).

Renumbered Section 86565(m) is amended for clarity to add (a) to the cross referenced section.

Renumbered Section 86565(o) is amended for clarity to replace the term “program statement” with “plan of operation.”

Renumbered Section 86565(q)(1)(B) is amended in response to public comment and for clarity that the course work include the study of abused and drug exposed children. Additionally, renumbered Section 86565(q)(1)(C) is amended to delete the unnecessary language, “under these regulations.” Section 86565(q)(2)(A) is renumbered to Section 86565(q)(1)(C)1. and is amended to delete unnecessary language by replacing “The lead caregiver shall provide verification of the work experience, as specified in Section 86565(n)(1)(C) above” with “verification shall be provided.” Renumbered Section 86565(q)(2)(B) is amended for clarity to specify that the course work shall include the study of abused and drug exposed children.

Renumbered Section 86565(r) is amended for clarity and consistency by deleting the unnecessary phrase “under six years of age” as all crisis nursery children are under six years of age.

Renumbered Section 86565(u) is amended for clarity and ease of use by replacing the reference to subsections with the word “following.” Renumbered Section 86565(u)(1)(A)3. is amended for clarity to add the subsection number in the cross-referenced section and to delete the cross reference to an inapplicable section.

Renumbered Section 86565(u)(1)(C)2. is amended for clarity to add the subsections to the cross referenced section.

Renumbered Section 86565(u)(2)(B) is amended for ease of use by replacing “all topics listed in Section 8656(v)(2)(B)1. through (B)(17) below” with “the following topics.” Additionally, Sections 85656(u)(2)(B) 1., 2., and 3. are amended for clarity and consistency to change to terms “client” to “child” and “facility's” to “the crisis nursery's.”

Renumbered Section 86565(u)(2)(C)1. is amended for clarity and consistency by replacing the term “client” with “child” in two instances.

Renumbered Section 86565(u)(2)(D) is amended to clarity and consistency by replacing the terms “child care” with “caregiver.”

Renumbered Section 86565(v)(1) is amended for clarity and consistency by changing the cross referenced subsection from (t) to (u).

Renumbered Section 86565(v)(2)(J) is amended for clarity and consistency by changing the subsection in the cross referenced subsection from (t) to (u).

Renumbered Section 86565(v)(3) is amended to delete the unnecessary language, “by the facility.”

Renumbered Section 86565(w) is amended for clarity and ease of use by replacing “specified in (v)(1) and (x)(2) below” with “as follows.” Additionally, renumbered Section 86565(w)(1)(C)2. is amended for clarity and consistency to change the term “client” to “child.” Renumbered Section 86565(w)(2)(B) is amended for clarity and consistency by changing the cross-referenced subsection from (t) to (u) consistent with amendments made in that section.

Renumbered Sections 86565(x) and (x)(1)(B) delete the unnecessary term "fully" since Sections 86565(w) and (x) provide specific criteria for volunteers. Renumbered Section 86565(x)(1)(C) is amended for clarity, specificity, and ease of use to add the specific subsections to the cross referenced section.

Renumbered Section 86565(y) is amended for clarity and consistency by changing the cross referenced subsection from (u) to (v).

Renumbered Section 86565(aa) is amended for clarity and ease of use by deleting unnecessary language and adding the titles of the cross referenced sections.

Section 86565.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86565.2(a) et seq.

Specific Purpose:

These regulations are adopted to specify lead caregiver, caregiver and volunteer duties and responsibilities in a Crisis Nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern Crisis Nurseries. The adoption of this regulation is necessary to explain the lead caregiver, caregiver and volunteer responsibility to supervise and protect the children in care at all times.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel duty requirement standards that are applicable to crisis nurseries.

Sections 86565.2(b) et seq.

Specific Purpose:

These regulations are adopted to specify the support staff duties in a Crisis Nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. The adoption of this regulation is necessary to explain that the support staff is responsible to perform duties that contribute to the daily preservation of the crisis nursery such as, cleaning, cooking, and repairs.

Section 86565.5 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86565.5 et seq.

Specific Purpose:

These sections are adopted to specify the staffing ratios of staff to children in crisis nurseries.

Factual Basis:

These sections are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. The ratios specified in these regulations are

necessary to be consistent with Section 1526.8 of the Health and Safety Code that specifies the staffing level requirements for crisis nurseries.

Section 86566 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86566(a) et seq.

Specific Purpose:

These regulations are adopted to ensure that Crisis Nurseries maintain personnel records on the licensee, administrator, lead caregiver, caregiver, volunteer caregiver and other employees of the crisis nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

These regulations are necessary to allow licensing agency representatives to easily verify staffs’ identifying information, documentation that staff has met education requirements, and documentation that staff have the training and experience necessary to be employed at a crisis nursery.

In adopting these regulations the Department reviewed existing standards governing similar licensed children’s residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as health and safety measures protecting children placed in a crisis nursery.

Section 86566(b)

Specific Purpose:

This regulation is adopted to specify how long Crisis Nurseries shall maintain personnel records.

Factual Basis:

This regulation is necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

This regulation is also necessary to clarify for the licensee that the Department requires the personnel records of employees who are no longer employed with the crisis nursery to be kept for at least three years.

In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Sections 86566(c) et seq.

Specific Purpose:

These regulations are adopted to specify the procedures used by the Department when reviewing and copying personnel records in a Crisis Nurseries.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also these regulations are necessary to make clear to the licensee that upon request by a representative from the Department personnel records shall be available for review, audit and copy.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Sections 86566(d) through (f) et seq.

Specific Purpose:

These regulations are adopted to specify to the licensee where personnel records shall be kept and what additional information shall be included in those records.

Factual Basis:

These regulations are necessary for the licensing agency to verify that proper coverage by qualified and trained staff is being provided when children are present in the crisis nursery. These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using personnel record standards that are applicable to crisis nurseries.

Section 86568.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86568.1 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify intake procedures for admitting a child into a crisis nursery.

Factual Basis:

The Department is adopting these regulations because it is necessary to ensure that the licensee obtain specific information that will assist in assessing the needs of the child during the in-take process along with ensuring proper care and supervision during placement.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations the Department reviewed existing standards governing similar licensed children's residential facilities and is using intake procedure standards that are applicable to crisis nurseries. In addition, the Department also utilized existing program statements from group homes currently providing crisis nursery services in the development of this section.

Lastly, the Department is adopting these regulations as a health and safety measure protecting children placed in crisis nurseries.

Final Modification:

Section 86568.1(a) is amended for clarity to replace the phrase "which meet the requirements specified in this section" with "that include an initial assessment and admission procedure."

Section 86568.1(b) is amended for clarity to replace the phrase "The crisis nursery may conduct an initial assessment by telephone to obtain the following information" with

“Information obtained during an initial assessment, that may be done by telephone, shall include the following information.”

Section 86568.1(b)(2) is amended for clarity to replace the phrase “determining the family crisis” with “A description of the family crisis” and adding “or circumstances necessitating the child’s placement.”

Section 86568.1(b)(4) is amended for clarity to add “preliminary” before “determination” and to replace “can” with “is able to.”

Section 86568.1(c) is deleted and replaced with “At the time of admission or placement, the crisis nursery shall:”

Section 86568.1(c)(1) is amended for clarity to delete unnecessary language, to add “and signed consent forms” and to correct the reference to Sections 86570(b)(1) through (136).

Section 86568.1(c)(1)(A) is amended for clarity and to delete the unnecessary language, “completed by a placement agency” and “placement agency,” to replace “licensee” with “administrator,” and to delete “and/” since “or” is accurate alone.

Current Section 86568.1(c)(2) is deleted as unnecessary since it is already stated in amended Section 86568.1(b).

Current Section 86568.1(d) is deleted as unnecessary since it is already stated in amended Section 86568.1(b)(4).

Current Section 86568.1(d)(1) is renumbered to Section 86568.1(f) and amended for clarity to replace “can” with “is able to.”

Current Section 86568.1(e) is deleted as unnecessary since it is already stated in amended Section 86568.1(c).

Current Section 86568.1(e)(1) is renumbered to Section 86568.1(c)(2) and amended for clarity and grammatical correction to replace “Completion of” with “Complete” and to delete the unnecessary language, “developed by the crisis nursery which shall include” and replace it with “that includes.”

Current Sections 86568.1(e)(2) and (e)(3) are deleted as unnecessary since they are already stated in amended Section 86568.1(c)(1).

Current Section 86568.1(e)(4) is renumbered to Section 86568.1(c)(3) and amended for clarity and grammatical correction to replace “Completion of” with “Complete” and to add the subsection to the cross-referenced section.

Current Section 86568.1(e)(5) is renumbered to Section 86568.1(c)(4) and amended for clarity and consistency to delete “parents, legal guardians, or” and to change “authorized representatives” from the plural form to the singular.

Current Sections 86568.1(e)(5)(A) through (D) are renumbered to Sections 86568.1(c)(4)(A) through (D) and amended for clarity to add the subsections to the cross-referenced sections.

Current Section 86568.1(f) also is renumbered as incorporated in new Section 86568.1(d) deleting unnecessary language duplicative of current Section 86568.1(g), renumbered to (d).

Current Sections 86568.1(f)(1) through (6) are renumbered to Sections 86568.1(d)(1) through (6).

Current Section 86568.1(g) is renumbered to Section 86568.1(d) and amended for clarity to put the phrase “no later than seven calendar days” at the beginning instead of the end of the section and to replace the phrase “following admission” with “following county placement of a child” since admission agreements apply only to county placements. Renumbered Section 86568.1(d) is additionally amended for clarity to delete the phrase “licensee of the” since only the corporate licensee’s designated representative is capable of signing the agreement.

Renumbered Section 86568.1(d)(4) is amended for consistency and clarity to replace the term “licensing agency” with “Department.”

Renumbered Section 86568.1(d)(6) is amended for consistency and clarity to replace the terms “facility’s” with “crisis nursery’s” and “clients” with “children.”

Handbook Section 86568.1(f)(6) is numbered as Section 86568.1(d)(6)(A) and amended for consistency and accuracy to reflect the pertinent provision of Health and Safety Code Section 1512.

Current Section 86568.1(h) is renumbered to Section 86568.1(e) and amended for clarity and consistency to replace “licensee” with “licensee’s designated representative” as the individual authorized for signing the agreement.

Current Section 86568.1(i) is deleted as unnecessary since it is a record keeping requirement rather than an intake procedure and is now incorporated in amended Section 86270(b)(6).

Current Section 86568.1(i)(1) is renumbered to Section 86568.1(e)(1) and amended for clarity and consistency to replace the term “licensee” with “crisis nursery,” to delete the word “current” and to add the phrase “and any modifications.”

Current Section 86568.1(j) is deleted as unnecessary since compliance is not part of the intake procedures.

Section 86568.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86568.2 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that an initial assessment plan be completed for children placed in a crisis nursery.

Factual Basis:

Adopting these regulations is necessary to clarify for licensees, licensing analysts, and interested individuals, the information that is required to initially assess a child placed in a crisis nursery in order to appropriately meet the needs of a child. Also these regulations are necessary to ensure that the child’s parent, guardian, or authorized representative(s) have an active role in developing the initial assessment plan.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004, Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using similar standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as a health and safety measure protecting children placed in crisis nurseries

Section 86568.4 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86568.4 et seq.

Specific Purpose:

The Department is adopting these regulations to require licensees to establish written removal and discharge procedures for children in the event the crisis nursery can not meet the needs of the child or the child must be moved due to emergency circumstances.

Factual Basis:

Adopting these regulations is necessary to require that crisis nurseries be prepared in the event that they need to remove a child from a crisis nursery. These regulations clarify some emergency circumstances by which a child may be removed from a crisis nursery and also clarifies that records of children removed or discharged from the program are to be maintained and may be reviewed by licensing staff.

These regulations are necessary to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using removal and discharge procedure standards that are applicable to crisis nurseries.

Lastly, the Department is adopting these regulations as health and safety measures protecting children placed in crisis nurseries

Section 86570 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86570(a) and (b) et seq.

Specific Purpose:

These regulations are adopted to specify that children's records shall be maintained on each child in the crisis nursery.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. These regulations are necessary to ensure that the licensee maintains records on the children in crisis nurseries and that the records contain specific information to assist in the treatment and care of the children.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using children's records standards that are applicable to crisis nurseries.

Final Modifications:

Section 86570(b) is amended for clarity to add the phrase "for the child" after the word "information." Sections 865790(b)(1) and (b)(2) are amended to delete the unnecessary terms "of child" and "of the child," respectively.

Section 86570(b)(5) is amended for clarity to delete "parent, guardian, or" since those terms are included in the definition of "authorized representative" and to change from the plural form to the singular the terms "names," "addresses" and "numbers."

Section 86570(b)(6) is amended for clarity to add the phrase "and subsequent modifications" after "admission agreement" in place of its inclusion in Section 86568.1(i).

Section 86570(b)(10) is amended for clarity to specify subsection (a)(4) of referenced Section 86576 for ease of reference.

Section 86570(b)(14) is amended for clarity and consistency to delete "parent, legal guardian, or" since those terms are included in the definition of "authorized representative," to replace the term "facility" with "crisis nursery" and to add the phrase "administration of medication" formerly referenced in Section 86568.1(c)(3).

Sections 86570(c) et seq.

Specific Purpose:

These regulations are adopted to specify that information in a child's record that is obtained from the child or that pertains to the child is confidential.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter, 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries.

This regulation is also necessary to make clear to licensees that it is their responsibility to safeguard the confidential information in the child's record. In adopting this regulation the Department reviewed existing standards governing similar licensed children's residential facilities and is using children's records standards that are applicable to crisis nurseries.

Final Modification:

Section 86570(c) is amended for clarity by deleting the unnecessary language "obtained from or" and to incorporate from Section 86570(c)(2) the words "except as authorized by law" and by deleting subsections (c)(1) and (c)(1) as unnecessary and duplicated in amended Section 86570(c).

Sections 86570(d) through (f) et seq.

Specific Purpose:

These regulations are adopted to specify that information in a child's record may be reproduced by the licensing agency and the information must be updated when necessary to keep it accurate, and to specify the length of time records are to be kept.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. These regulations are necessary to allow the Department to copy accurate information from the child's record to ensure the health and safety of the child in care.

Also this regulation is necessary to make clear to the licensee that they are required to keep the records of children whose services have been terminated for at least three years.

In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities and is using children's records standards that are applicable to crisis nurseries.

Final Modification:

Section 86570(d) is renumbered to Section 86570(c)(1) and amended for clarity to delete the words "also" and "if any" as unnecessary and to delete "parent, legal guardian, or" since those terms are included in the definition of "authorized representative," and for consistency to replace the word "clients" with "child's."

Current Section 86570(d) and new (d)(1) through (d)(3) are added, consistent with changes made to Section 80070 in ORD #0803-18, approved by the Office of Administrative Law, operative May 9, 2005 (Register 2005, No. 19). Specifically added is language to specify in Section 86570(d) the Department's authority to inspect, audit, copy, and remove if necessary, children's records, in Section 86570(d)(1) that certain records shall not be

removed unless the same information is readily available, in Sections 86570(d)(1)(A) through(E) the list of those certain records, in Section 86570(d)(2) what the Department must do prior to removing any records, and in Section 86570(d)(3) the conditions for the return of records.

Section 86570(e) is amended for clarity to include the section number, to delete the unnecessary word “above” and for consistency to replace the word “client’s” with “child’s.”

Section 86570(f) is amended for clarity to delete the unnecessary phrase “Original or photographic reproduction of” and for consistency to replace the word “client” with “child” in two instances.

Sections 86570(g) et seq.

Specific Purpose:

This regulation is adopted to specify what information shall be maintained in the child’s record once the child have been removed or discharged from the crisis nursery.

Factual Basis:

This regulation is necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also, this regulation is necessary to specify the type of information that the licensee is required to maintain if the child is removed or discharged from the crisis nursery.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using children’s records standards that are applicable to crisis nurseries.

Section 86572 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86572 et seq.

Specific Purpose:

These regulations are adopted to ensure that children in crisis nurseries are accorded personal rights, and advised and given a copy of those rights.

Factual Basis:

These regulations are necessary to meet the requirements of and to be consistent with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations to govern crisis nurseries. Also these regulations are necessary to ensure that the licensee accord the children the personal rights specified in these regulations which will encourage a sense of dignity and stability in the children placed in the crisis nursery.

These regulations are also necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that accords children in care specified personal rights and specifies that nothing in this section shall be interpreted to requires a foster care provider to take any action that would impair the health and safety of children in out of home placement.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using personal rights standards that are applicable to crisis nurseries.

Final Modification:

Section 86572(a) is amended for clarity to replace "caregiver" with "licensee" as the responsible party for ensuring each child's personal rights, and to replace the phrase "personal rights specified in this section" with "following personal rights."

Section 86572(b) is amended to delete the terms "parent, legal guardian, or" since they are included in the definition of "authorized representative" and only the authorized representative among those persons that need be given a copy of the personal rights. This section also is amended to replace correctly the phrase "specified in (c) below" with "specified in Section 86572(a)."

Current Section 86572(c) is repealed as unnecessary duplicative language and Sections 86572(c)(1) through (c)(21) are renumbered to Sections 86572(a)(1) through (a)(21), respectively, for consistency.

Renumbered Section 86572(a)(3) is amended to add "gender identity" for clarity and consistency with Section 84072(c)(16) in ORD #1104-16 approved by the Office of Administrative Law on January 17, 2007, OAL File No. 06-0630-03S.

Renumbered Sections 86572(a)(12)(A) and (C) are both amended for clarity to delete the terms "parent, legal guardian, or" since they are included in the definition of "authorized representative" and only the authorized representative among those persons has the authority to prohibit visits by a relative or others.

Renumbered Section 86572(a)(13)(A) is amended for clarity and consistency to delete the terms “parent, legal guardian, or” since they are included in the definition of “authorized representative,” to delete the unnecessary phrase “by the caregiver,” and to replace the term “licensing agency” with “Department.” Additionally, to be consistent with Health and Safety Code Section 1538(b), this section is amended to replace the phrase “confidential registration of complaints” with “confidentiality of complainants.”

Current Section 86572(c)(14)(B)1.through 3. renumbered to Section 86572(a)(14)(B).

The removal of Sections 86572(c)(14)(B)1., 2., and 3. is necessary because they are vague and clarified by Sections 86572(a) and (b).

Renumbered Section 86572(a)(17) is amended for consistency and grammar to replace the phrase “To not be locked” with “Not to be locked.” Renumbered Section 86572(a)(17)(A) is amended for clarity and consistency to replace the term “caregiver” with “licensee” and to delete the unnecessary language “by this provision.”

Renumbered Section 86572(a)(18) is amended for clarity and consistency to replace the term “licensing agency” with “Department” and to replace “specified in (A) through (F) below” with “follows.” Renumbered Sections 86572(a)(18)(B), (D), (F)1., (G), (G)1. and (G)2. are amended for consistency to replace “licensing agency” with “Department”. Renumbered Section 86572(a)(18)(C) is amended for clarity and grammatical correction by replacing “which” with “that.” Renumbered Sections 86572(a)(18)(E) and (a)(18)(G)2. are also amended for clarity to delete “and/” since “or” is more easily understood. Renumbered Section 86572(a)(18)(G) is amended for clarity to delete the unnecessary phrase “for the purpose of this regulation” and to replace the phrase “specified below” with “follows.”

Section 86572(d) is renumbered to (c) and amended for clarity by replacing the phrase “Nothing in this section shall be interpreted to require the licensee to take any action” with “In ensuring children’s personal rights, the licensee is not required to take any action.” Additionally, the unnecessary phrase “in out-of-home placement” is deleted.

Section 86572.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86572.1 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to develop and follow a specific policies for children placed in crisis nurseries.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries specifically explain how a crisis nursery plans discipline children in care. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding disciplining children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using discipline policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86572.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86572.2 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that a crisis nursery is required to establish and follow specific procedures for complaints.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries establish complaint procedures for children, parents, legal guardians or authorized representatives.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using complaint procedure standards that are applicable. Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86574 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86574 et seq.

Specific Purpose:

The Department is adopting these regulations to ensure all transportation of children in the care of a crisis nursery are safe and all applicable Vehicle Code laws are followed.

Factual Basis:

Adopting these regulations are necessary to ensure that crisis nurseries establish transportation procedures for children.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using transportation standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86575 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86575(a) and (b) et seq.

Specific Purpose:

The Department is adopting these regulations to ensure that children in the care of a crisis nursery are provided with first aid, medical, and dental services as needed and to establish procedures for the administration of medication, if required.

Factual Basis:

Adopting these regulations is necessary to ensure that children in crisis nurseries receive health related services as needed, i.e.; first aid, medical and dental and to establish procedures for the administration of medication.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using health service standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Sections 86575(c) et seq.

Specific Purpose:

The specific purpose of these regulations is to establish procedures to destroying unused prescription medication.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries properly dispose of unused medication and are required to follow specified procedures to accomplish this task. These regulations also ensure that medication for one child is not reused for another.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using health service standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Sections 86575(d) through (f) et seq.

Specific Purpose:

The specific purpose of adopting these regulations is to clarify and require that staff providing direct care and supervision shall be first aid and CPR trained; that the crisis nursery shall have first aid supplies readily available; and to require a crisis nursery to have at least one staff capable of communicating with emergency personnel.

Factual Basis:

Adopting these regulations is necessary to ensure the Health and Safety of children in care.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using health service standards that are applicable.

Section 86576 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modification:

The title of this section is amended from Food Services to Food Service.

Sections 86576 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that crisis nurseries are required to follow food service standards established by the Department.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries properly feed children in care, i.e. that meals are served in sufficient amounts and at a minimum follow federal guidelines, food is stored properly, preparation of food is sanitary, menus shall be prepared weekly and shall vary, modified diets prescribed by physician shall be provided...etc. These regulations are also necessary in order to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding food service standards for children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using discipline policies and procedure standards that are applicable. In addition, the Department reviewed existing federal standards relating to serving meals to children, i.e., Title 7, Code of Federal Regulations, Part 226.20.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Final Modification:

The Department has amended Section 86576 for clarity, consistent with the type of changes made to Section 82076 in ORD #0704-05, and approved by the Office of Administrative Law, in OAL File No. 06-1117-10S.

Sections 86576(a) and (a)(1) are combined, reformatted, and amended for clarity. Handbook Section 86576(a)(1)(A) is corrected to accurately reflect the federal regulation cited, and to repeal portions not in the regulation or not applicable to children six years of age or under.

Section 86576(a)(2) has language deleted, as a result of public comments received, as not necessary since the crisis nursery will be providing all required food for children and infants. The Department concurs that the language is not necessary.

Sections 86576(a)(3), (a)(4), (a)(6), (a)(8), (a)(8)(B), (a)(8)(C), (a)(16)(B), (a)(18), (a)(19), (a)(19)(A), and Section 86576(h) are amended for clarity to use consistent terminology applicable to this chapter, by replacing "licensing agency" with "Department" and "client(s)" with "child(s)" and "facility(ies)" with "crisis center(s)."

Section 86576(a)(7) is amended for clarity, consistent with Section 82076(a)(10) in approved ORD #0704-05, OAL File No. 06-1117-10S.

Sections 86576(a)(18) and Section 86576(i), and Sections 86576(k) and (k)(1) are amended for clarity to delete extraneous language; the chapter and license category applies only to crisis nurseries and to children under the age of six.

Sections 86576(k)(1) and (m)(1) are amended for clarity to delete the term “fully trained” as Sections 86565(w) and (x) provide specific criteria for volunteers.

New Sections 86576(l)(8) and (m)(4)

As a result of hearing comments received, the Department concurred that it is necessary to inform subsequent crisis nursery caregivers of the child’s or infant’s eating patterns. Therefore, Sections 86576(l)(8) and (m)(4) are added to specify that “Information from the previous caretaker shall be shared at staff shift changes.” The additional language provides a transition necessary to the well being of a child or infant during times when caregivers are changing staff.

Section 86577 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86577 et seq.

Specific Purpose:

The Department is adopting these regulations to specify that crisis nurseries are required to provide personal services to children in crisis nurseries. These services are designed for children under six years of age because crisis nurseries are designed to care for this population of children.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries provide children in care with personal services specific to children under the age of six. The type of services that crisis nurseries' staff will provide include: keeping children clean and dry at all times, washing hands before changing diapers, adhering to proper sleeping arrangements, etc. These regulations are also necessary to create a new licensing category that clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding personal services that children cared for in crisis nurseries will receive.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using personal service policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Final Modification:

Section 86577(a) is amended for specificity and clarity by adding "crisis nursery." prior to the word children and to delete the phrase "under the age of six years" as unnecessary. All children in the crisis nursery are under the age of six years. Sections 86577(a) and (b) are amended for consistency to delete the word "the" in front of the "staff." Section 86577(b) is amended for grammatical ease and clarity to replace "his/her" with "their."

Section 86578 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86578 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are responsible for providing care and supervision of children in crisis nurseries at all times.

Factual Basis:

These regulations are necessary for consistency with Section 1516 of the Health and Safety Code that authorizes a crisis nursery to provide temporary emergency care and supervision to children under six years of age who have been taken into protective custody and placed by the county.

Adopting these regulations is also necessary to ensure that crisis nurseries provide children in care with care and supervision. The type of care and supervision services that crisis nurseries will provide include: ensuring that children in care receive the care and supervision needed to meet their needs at all times, licensee provided services outlined in the initial assessment plan, etc. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding the care and supervision of children cared for in crisis nurseries.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004, Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using care and supervision policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Final Modification:

Section 86578(a) is deleted as unnecessary as it is definitional and essentially duplicative of Section 86501(c)(16).

Sections 86578(b) through (f) are renumbered to Sections 86578(a) through (e) and amended for clarity and consistency to replace the phrase "the licensee shall provide" with "the licensee shall ensure the provision of" or "ensure that" since all licensees are corporations.

Renumbered Section 86578(c) is also amended for clarity to replace the phrase "who disrupts the child care crisis nursery" with "who engages in behavior that disrupts the care provided to crisis nursery children."

Section 86578.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86578.1 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to follow sanitation requirements to ensure the cleanliness of the facility.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with a clean and sanitary facility. The sanitation requirements are designed for the population of children served in crisis nurseries, for example the licensee shall ensure: that staff wash hands before diapering, that children wash hands after toileting and before meals, that toys are thoroughly washed, and ensure that high chairs and feeding tables are washed

and disinfected, etc. These regulations are also necessary to create a new licensing category because it clarifies and avoids any confusion that providers, licensing staff, or interested individuals may have regarding sanitation requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using sanitation standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86579 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86579 et seq.

Specific Purpose:

The Department is adopting these regulations to ensure that licensees provide children in care with planned activities designed to meet the physical, cognitive, social, and emotional needs of children.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with planned activities. The planned activities required by this section are designed for the population of children served in crisis nurseries, for example: activities include parent, legal guardian or family member involvement, group and individual activities, rest, toileting, individual attention by staff, active and quiet play, etc. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding having planned activities for children served.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using planned activity standards that are applicable.

Section 86580 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86580(a) et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that a crisis nursery may provide day care services at the same site as the crisis nursery.

Factual Basis:

These regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes the following:

- A crisis nursery may provide child day care services for children under the age of six at the same site as the crisis nursery.
- A child may not receive day care services at a crisis nursery for more than 30 calendar days unless the Department issues an exception.
- Children receiving day care services shall be counted in the licensed capacity.
- County placed children receiving day care services shall be counted in the limitation on county placements.

These regulations are also necessary to comply with Section 1596.792 of the Health and Safety Code that exempts crisis nurseries from the California Child Day Care Facilities Act.

Sections 86580(b) and (b)(1) through (b)(4)

Specific Purpose:

The Department is adopting these regulations to establish minimum standards that crisis nurseries must follow when providing crisis day care services.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care.

These regulations further clarify that a crisis nursery providing day care services shall follow all the crisis nursery regulations and those specific day care services.

Requiring crisis nurseries to have a sign-in/sign-out sheet is a safety measure that will facilitate keeping track of children and will also in facilitate in knowing who is picking-up and dropping children off for day care services.

Licensing form 9219A is incorporated in this section by reference. This form is necessary to provide licensees with a sign-in or sign-out form for children receiving day care services.

Sections 869580(b)(5) through (b)(9)

Specific Purpose:

The Department is adopting these regulations to establish minimum standards that crisis nurseries must follow when providing crisis day care services and the child either arrives sick or becomes sick while under the care of the crisis nursery.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding a situation where a child shows up or becomes ill in a crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Sections 86580(b)(10) et seq.

Specific Purpose:

The Department is adopting these regulations to establish minimum standards for napping equipment that crisis nurseries must follow when providing crisis day care services.

Factual Basis:

Adopting these regulations are necessary to comply with Section 1516 of the Health and Safety Code that authorizes crisis nurseries to provide day care services. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding acceptable napping equipment provided by the crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Article 7 and Title

Specific Purpose/Factual Basis:

A new Article number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Final Modifications:

At the Department's discretion, additional non-substantive grammatical, formatting, and editorial changes are made following the 15-day renote period for clarity and consistency.

Section 86586 and Titles

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86586 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to inform the licensing agency of any construction to the facility and must secure a building permit prior to construction.

Factual Basis:

Adopting these sections is necessary to ensure that crisis nurseries take into account the safety of children in care prior to any construction or alterations to the crisis nursery building. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding making any physical alterations to the building.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities and is using alteration standards to existing building and new facility standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86587 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86587(a) through (i)

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the buildings and grounds of a crisis nursery are safe and secure for children in care.

Factual Basis:

Adopting these regulations is necessary to ensure that the building and grounds of a crisis nursery are safe and secure. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding building and ground requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting this section the Department reviewed existing standards governing similar licensed children's residential facilities and is using building and grounds standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Sections 86587(j) through (m)

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the buildings and grounds of a crisis nursery are safe and secure for children in care.

Factual Basis:

Adopting these regulations is necessary to ensure that crisis nurseries afford children in care with a safe and secure facility.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using building and ground standards that are applicable, except for the following:

- These regulations allow 3 children per bedroom only if toddler beds, cribs or a combination of the two are used. This is different from existing standards that allow 2 children per room. The Department made this change based on the consideration that toddler beds and cribs are small enough to allow three children of this age group to comfortably sleep in one room with ample space. Further, in speaking with licensing analysts, this exception was commonly given to providers.

These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding building and ground requirements.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86587.1 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86587.1 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to afford children in care with safe outdoor activity space to allow children to play outside.

Factual Basis:

Adopting these regulations is necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding affording children with safe outdoor activity space.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children’s residential facilities and is using outdoor activity policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86587.2 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86587.2 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify that crisis nurseries are required to afford children in care with safe indoor activity space.

Factual Basis:

Adopting these regulations is necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding affording children with safe indoor activity space appropriate to the age group being served.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using indoor activity policies and procedure standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 86588 and Title

Specific Purpose/Factual Basis:

A new section number and title have been added to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements of style pursuant to Government Code Section 11343.1.

Sections 86588 et seq.

Specific Purpose:

The Department is adopting these regulations to clarify and ensure that the fixtures, furniture, equipment and supplies provided by the crisis nursery are safe and in good condition for children in care.

Factual Basis:

Adopting these regulations is necessary to ensure that children placed in the care of a crisis nursery are afforded safe and comfortable living conditions. By adopting these regulations the Department is establishing minimum standards that crisis nurseries must follow to ensure the health and safety of children in care, for example, this section affords children in a crisis nursery with comfortable room temperatures, requires window screens to be in good repair, requires hot water temperatures to be controlled to avoid scalding, beds are to be in good repair...etc. These regulations are also necessary to create a new licensing category because they clarify and avoid any confusion that providers, licensing staff, or interested individuals may have regarding acceptable fixtures, furniture, equipment, and supplies provided by the crisis nursery.

These regulations are also necessary for consistency with SB 855, Chapter 664, Statute of 2004 Section 11 that requires the Department to adopt emergency regulations creating a new community care facility category.

In adopting these regulations, the Department reviewed existing standards governing similar licensed children's residential facilities and is using fixture, furniture, equipment and supply standards that are applicable.

Lastly, the Department has adopted these regulations as health and safety measures protecting children placed in crisis nurseries.

Section 11-400(c)(8) and Handbook

Specific Purpose:

This section is adopted to provide a definition for crisis nursery in the regulations that pertain to foster care rate setting and audits.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. This addition to definitions is required as a result of SB 855 (Chapter 664, Statutes of 2004), which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, as a separate licensed category, to apply for and receive an AFDC-FC rate for the placement of AFDC-FC eligible children.

Section 11-402.11 and Handbook

Specific Purpose:

This section is amended to include "crisis nurseries" as a program that will have a rate established using the standardized schedule of rates for group homes.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. This amendment and the addition of the Handbook required by SB 855 (Chapter 664, Statutes of 2004), which directs the Department to use current group home rate setting standards to establish the rate structure of the crisis nursery until the Department adopts emergency regulations for establishing a rate for crisis nurseries.

Section 11-402.233(f)

Specific Purpose:

This section is amended to include “crisis nurseries” as a group home program subject to rate classification level (RCL) point computations for rate setting and auditing purposes.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. Additionally, within the current structure, a group home program’s weighted hours that are used to determine the rate classification level are divided by 90 percent of the licensed capacity or not less than 5.4 to determine point scores for rate setting and auditing purposes. Requirements of SB 855 (Chapter 664, Statutes of 2004) specify that crisis nurseries can have no more than one-third of licensed capacity placements funded with AFDC-FC funds. Therefore, it is important for auditing and rate setting purposes that group homes operating as crisis nurseries receiving placements and payment of AFDC-FC are held to no more than one-third of the licensed capacity.

Section 11-402.531(b)(7)

Specific Purpose:

For purposes of conducting audits on group home programs operating as a crisis nursery, the audit will consider the weighted eligible hours using 90 percent of one-third of the licensed capacity to determine the rate classification level of the crisis nursery.

Factual Basis:

Currently, the Department recognizes crisis nursery operation within the licensing structure of group homes. Requirements of SB 855 (Chapter 664, Statutes of 2004) specify that for purposes of provisional or non provisional program audits, group homes operating as crisis nurseries must be audited to 90 percent of one-third of the program’s licensed capacity.

Section 45-101(c)(7) and Handbook

Specific Purpose:

This section is adopted to provide a definition for Crisis Nurseries in the Eligibility and Assistance Standards, Division 45 regulations.

Factual Basis:

This adoption is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the definitions for purposes of eligibility and assistance standards.

Section 45-202.516

Specific Purpose/Factual Basis:

This section is adopted to include a "crisis nursery" as an eligible facility for those facilities except as provided in Section 45-202.52. This adoption will ensure placement in private, non profit group homes are eligible for Federal AFDC-FC payment.

Sections 45-202.516 through .518 [Renumbered as Sections 45-202.517 through .519]

Specific Purpose/Factual Basis:

The section renumbering is as a result of the addition to Section 45-202.516 and is necessary for clarity and consistency.

Section 45-202.521

Specific Purpose:

This section is amended to include "crisis nurseries" as a public child care institution, or eligible facility that can receive AFDC-FC funds. Additionally, since "crisis nursery" has been added to the list of eligible facilities to receive AFDC-FC funds, and the placement time limit is specific to 14 days, a crisis nursery placement is identified as a placement where AFDC-FC funding will not continue beyond 14 days.

Factual Basis:

This amendment is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined in Section 1516(a) of the Health and Safety Code, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the

facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the Federal AFDC-FC program section for purposes of eligibility and assistance standards.

Section 45-202.521(b)

Specific Purpose:

This section has been added to include "crisis nurseries" as a public child care institution, or eligible facility, for purposes of emergency shelter care, that can receive AFDC-FC funds. This section further delineates the ages and time frames for the emergency shelter care in a "crisis nursery," as defined in legislation through Senate Bill 855 (Chapter 664, Statutes of 2004).

Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries for emergency shelter care purposes are added into the eligibility and assistance standards.

Section 45-202.521(c)

Specific Purpose/Factual Basis

This section has been renumbered as a result of the addition to regulations that include crisis nurseries as a public child care institution, or eligible facility, for purposes of emergency shelter care, that can receive AFDC-FC funds. This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries for emergency shelter care purposes are added into the eligibility and assistance standards.

Section 45-203.418

Specific Purpose/Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined, within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the eligibility and assistance standards for purposes of State AFDC-FC eligible facilities.

Section 45-301.116

Specific Purpose/Factual Basis:

This addition is required as a result of Senate Bill 855 (Chapter 664, Statutes of 2004) which requires Community Care Licensing to include a "crisis nursery," as defined within the provisions regulating a community care facility. This legislation also requires that crisis nurseries be among the facilities eligible to receive AFDC-FC reimbursement. As such, crisis nurseries are added into the eligibility and assistance standards for purposes of eligible payees for AFDC-FC funds.

b) Identification of Documents Upon Which Department Is Relying

- "Facts You Need to Know" by the Crisis Nursery Board of Directors
- A letter from Jill Duerr Berrick, Ph.D., Professor and Associate Dean for Academic Affairs, University of California, Berkeley
- "Crisis Nursery Project" binder developed by the Youth Law Center
- "Common Elements in Waiver Requests for Crisis Nurseries" California Alliance of Child and Family Services report.
- Brochures from The Sacramento Crisis Nursery, Children's Crisis Nursery, and the Family Resource Center.
- Senate Bill 855, Chapter 664, Statutes of 2004
- Title 7, Code of Federal Regulations, Part 226.20.CFR.

c) Testimony and Response

As a result of the November 29, 2006, public hearing, written testimony was received from: 1) the Kare Crisis Nursery in Grass Valley, California, 2) the Youth Law Center in San Francisco, California 3) the Sacramento Crisis Nurseries, 4) American River College of the Los Rios Community College District in Sacramento, California, 5) Sierra College, Nevada College Campus in Grass Valley California, and 6) the California Alliance of Child and Family Services. The testifiers' general and specific comments and the Department's responses follow numerically.

General Comment:

Maria F. Ramiu, staff attorney for the Youth Law Center (YLC) commented that the YLC "does not support the use of congregate care facilities for young children or the weakening of existing protections for California's youngest and most vulnerable children in out-of-home care by exempting crisis nurseries from the under six group home regulations." She continued by adding that it is recognized, however, that the Department is obligated to follow the legislative mandate to create a separate licensing category.

Response:

Thank you for your comment.

General Comment:

YLC commented that changes should be made to Manual of Policies and Procedures (MPP) Division 31 to reflect the Health and Safety Code 14-day-placement limitation and to require the placement agency to provide to the crisis nursery specific information regarding the child and the child's previous caregiver to assist the transition of the child to the new placement. This information would include information necessary to develop individual feeding plans and toileting plans.

Response:

This comment suggests changes in the Manual of Policies and Procedures (MPP) which is not within the purview of the Community Care Licensing Division (CCLD). These regulations only pertain to changes in Title 22. No changes will be made to the regulations based on this comment.

General Comment:

YLC commented that "family group" means no more than three children and a caregiver and further commented that young children need a primary caregiver that cannot be provided in a "shift-care" situation. YLC concluded by indicating that, "In order to mitigate the harm of shift care, the number of caregivers should be minimized and consistency of caregivers should be promoted."

Response:

The Department agrees with this comment. Pursuant to the required "Plan of Operation" provided by the applicant under Sections 86522(b)(21-22), the plan shall "...contain all necessary steps to be taken to reduce stress to the child(ren) which may result in transfer trauma, such as admission and discharge, and changes in staffing pattern." and "ensure the consistency and continuity of care to children...."

Section 86501(b)(1)

Comment:

The YLC commented that the definition for "Basic Rate" includes SSI/SSP language which is unnecessary since the term is not used to determine the rate of payment and only describes what is required in the admission agreement regarding the provision for payment. YLC suggested that the SSI/SSP language be deleted, and that Section 86568.1(f)(3)(A) could also be deleted from both sections

Response:

The Department agrees with the above comment and the language will be deleted from the "Basic Rate" in the "Definition Section 86501(b)(1) and will delete the second sentence. It simplifies the language with no significant impact on the admission agreement.

Section 86501(c)

Comment:

YLC commented that the definitions for "Capacity" and for "Care and Supervision" should not be subsets of "Criminal Clearance" [*sic*] ["California Clearance"].

Response:

"Capacity" and "Care and Supervision" are subsets of the letter"(c)" and merely follow "California Clearance" in alphabetical order. For example, all definitions under subsection (a) begin with the letter "a", all definitions under subsection (b) begin with the letter "b", etc. No format change is necessary.

Section 86501(c)(3)

Comment:

YLC commented that for many children under six, staff don't just assist with grooming, dressing, feeding, personal hygiene activities, and administering medication, etc.. Staff must actually provide all of these activities. YLC ended by commenting that the definition for "Care and Supervision" should reflect the inability of infants to care for themselves.

Response:

The Department has added the term "feeding" to Section 86501(c)(3)(A). Staff may provide assistance in areas of diapering and medications which are not necessarily limited to infants. Only specific circumstances relating to infants would require staff to administer medication. This also applies to feeding (bottle or spoon feeding) of both infants and children.

Section 86522(b)(5)

Comment:

YLC commented that the staffing plan must recognize the need for consistency in provision of care and supervision and should limit the number of different individuals providing care to any one child. YLC also provided the following suggested language for Section 86522(b)(5)(C):

“(C) Provision for use of volunteers including staffing, assigning volunteers to family groups, limiting care and supervision, limiting number of volunteers providing care and supervision to any individual child.”

Response:

The staff to client ratio has already been established in Section 86565.5. In addition, limiting the number of volunteer staff may adversely affect the Crisis Nursery's ability to provide adequate staffing that ensures the health and safety of children in care. No change is necessary.

Section 86522(b)(9)

Comment:

YLC commented that feeding for infants should be individualized to meet the infant's needs rather than adhering to a common facility wide schedule. YLC also provided the following suggested language for Sections 86522(b)(9)(A) and (B):

“(A) A plan for developing individual feeding plans for infants that should take into consideration information from the child's previous primary caregiver whenever possible.”

“(B) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served for children other than infants.”

Response:

Please see related changes to the section under "food services," Section 86576(m)(4). Information about the current food intake from the current caregiver shall be shared whenever a subsequent caregiver is introduced to the infant or child during staff changes. This is also covered under Section 86522(b)(22), "The plan shall contain all necessary steps to be taken to reduce stress to the child(ren)...and changes in staffing patterns."

Section 86522(b)(12)

Comment:

YLC commented crisis nurseries should facilitate frequently and developmentally appropriate visitation between children and parents and a facility with shift care staff should be equipped to accommodate frequent and meaningful visits. YLC also provided the following suggested language for Section 86522(b)(12):

- (12) A statement of the facility's policy concerning family visits and other communications with the client pursuant to Health and Safety Code Section 1512, including a visitation policy that permits flexible visitation hours that will allow family members daily visitation and the opportunity to participate in care giving.

Response:

The Department concurs and will include the additional suggested language. It promotes family participation in the child's care and is in concert with the Health and Safety Code.

Section 86522(b)(15)

Comment:

YLC commented that each child should have an individualized plan for care and supervision that meets the unique needs and circumstances of each child. YLC also provided the following suggested language for Section 86522(b)(15):

- (15) The policies and procedures for family member involvement in caregiving and developing a care and supervision plan for the child.

Response:

This development of a care and supervision plan for the child is already in place under the "intake procedures" in Section 86568.1(e)(1). The additional language is not necessary.

Section 86522(b)(23)

Comment:

YLC commented that each child should have an individualized plan for care and supervision that meets the unique needs and circumstances of each child. YLC also provided the following suggested language for a new Section 86522(b)(23):

- "(23) The policies and procedure to develop individual plans for care and supervision of each child."

Response:

The "initial assessment plan" in Section 86568.2(a)(6) identifies the immediate needs of the child and a "plan for providing services to meet the individual needs." The additional suggested language is not necessary.

Section 86561(b)(1)(D)

Comment:

YLC commented that reports on a child's absence from the facility should only be required when the absence is unauthorized. Any incidence that gives rise to call law enforcement should be reported. YLC also provided the following suggested language for new Sections 86561(b)(1)(D) and (E):

(D) Any unusual incident which threatens the physical or emotional health or safety of any child including any ~~child absence~~ calls to law enforcement.

(E) Any unauthorized child absence from the facility.

Response:

The change in the language is not necessary as it is addressed under "reporting requirements" in Section 86561(a)(3) "Any unusual incident or child absence which threatens the physical or emotional health", and Section 86561(a)(3)(A)5. "If law enforcement was involved in the incident...." Both are already described and some calls to law enforcement are not necessarily reportable, but may only be informational in nature.

Sections 86561(i) and (j)

Comment:

YLC commented that the regulations should clarify who the notification goes to when the child has been placed in the facility under emergency circumstances or when the child has been removed from the crisis nursery. Under the current "authorized representative" definition, the child may have more than one authorized representative e.g., the placing agency and the parent. YLC also provided the following suggested language for new Sections 86561(i) and (j):

(i) The licensee shall ensure that the child's ~~authorized representative~~ placing agency and/or legal guardian is notified no later than the next working day if the following circumstances have occurred without the ~~representative's participation~~ authorization of the placing agency or in the case of voluntary placements, the parent who voluntarily placed the child. (Continued)

- (j) The licensee shall ensure that the child's ~~authorized representative~~ placing agency and/or legal guardian is sent prior written notification regarding the need for non-emergency relocation of the child to another facility.

Response:

The above changes are not necessary. the term "authorized representative" is clearly defined in Section 86501(a)(6) under Definitions. The Department cannot limit the placing agency and the term legal guardian to the placement and/or relocation of children. The term "authorized representative" is also consistent with all other licensing categories.

Section 86565(e)

Comment:

YLC commented that for this age group, a greater level of supervision is required when in bodies of water and participating in other potentially dangerous activities. Ideally, staffing should be 1:1 but must at least be 1:2. YLC also provided the following suggested language for Section 86565(e):

- (e) The licensee shall provide for direct supervision, minimum of 1:2 staff to child ratio, of children during participation in or presence at potentially dangerous activities. (Continued)

Response:

In recognition that additional supervision is necessary during potentially dangerous activities, such as swimming, further language will be adopted in lieu of your comment for water activities.

Section 86565(f)(1)

Comment:

YLC commented that personnel requirements should include training or experience related to early childhood development or providing care and supervision to infants and young children. YLC also provided the following suggested language for Section 86565(f)(1):

- (f) (Continued)

- (1) Early childhood development. (Continued)

Response:

The Department concurs and will include the suggested language.

Section 86565(p)

Comment:

Douglas K. Johnson, Associate Executive Director of the California Alliance of Child and Family Services (CACFS) commented that " The requirement that lead caregivers complete coursework in the care of infants and in abused and drug-exposed children lacks clarity.

"Section 86565(p) requires that lead caregivers with a Child Development Associate (CDA) credential or a Child Development Associate Teacher Permit must complete at least three semester units, which include coursework in abused and drug-exposed children. Lead caregivers who do not possess a current and valid CDA credential or teacher permit are required to complete 12 postsecondary semester units in early childhood education or child development. Of these 12 semester units, at least three semester units must include 'coursework in the care of infants' and another three semester units must include 'coursework in abused and drug exposed children.'

"With regard to Section 86565, the Initial Statement of Reasons for these emergency regulations states on page 42 that:

‘The "Lead Caregiver" staff position found in this section is modeled after "Houseparents" found in Group Home Facilities that care for children under the age of six. The "Lead Caregiver" training and education requirements were the result of a compromise with the California Alliance of Children and Family Services and because the Department determined that these requirements were appropriate for the population being served in crisis nurseries to ensure the health and safety of children in care.’

"We acknowledge that the California Alliance took the following position in the discussions that lead to the enactment of SB 855.

"On each shift, there will be one (1) paid caregiver who meets the education, experience and training requirements for a houseparent as defined in Section 84201(h)(1) and Section 84265. This paid caregiver on each shift will be referred to as the "lead" caregiver."

"We agree and support the requirement that the early childhood education or child development courses taken by lead caregivers should include coursework in the areas of 'the care of infants' and 'abused and drug-exposed children.' However, in order to perform their duties and responsibilities for the care of infants and children living in crisis nurseries, we believe it is unnecessary for lead caregivers to take three semester units of coursework that deal exclusively with the topic of "the care of infants" or "abused and drug-exposed children."

"However, in reviewing the wording of Section 86565(p) currently used in the emergency regulations, we find that there is a lack of clarity with regard to the types of coursework which would meet the requirement for "coursework in the care of infants" and "coursework in abused and drug-exposed children." A narrow reading of the language in Section 86565(p) could be interpreted to mean that the only courses that meet this requirement are those that deal exclusively with the topic of 'the care of infants'" or 'abused and drug-

exposed children.' A broader reading of the language in Section 86565(p) could be interpreted to mean that courses which include the topic of 'the care of infants' or 'abused and drug-exposed children,' as well as other topics, would meet this requirement.

"The California Alliance recommends that the wording of Section 86565(p) be modified to eliminate this lack of clarity and explicitly allow coursework which includes the topic of 'the care of infants' or 'abused and drug-exposed children' to meet this requirement. For example, the wording of Section 86565(p) should be amended as follows:

'At least three semester units, or equivalent quarter units, shall be in coursework which includes the study of ~~include coursework in~~ the care of infants.'

'At least three semester units, or equivalent quarter units, shall be in coursework which includes the study of ~~include coursework in~~ abused and drug-exposed children.'

"In considering the interpretation and clarification of Section 86565(p), it is also important to note that representatives of crisis nurseries have contacted local community colleges and could not find any that offered courses that focused exclusively on the study of 'the care of infants' or 'abused and drug-exposed children.' However, they do offer courses in which 'the care of infants' or 'abused and drug-exposed children' is included as one of the topics included within the scope of a course."

Response:

The Department concurs with the recommendation to change the language in Section 86565(p) to state "At least three semester units, or equivalent quarter units shall be in coursework which includes the study of abused and drug-exposed children."

However, most community colleges offer core or standard courses relating to the care of infants. No additional change is necessary to the infant course language.

Section 86565(p)(1)(B)

Comment:

Fran Freedle, Development Consultant for the KARE Crisis Nursery commented that the KARE Crisis Nursery is located in Nevada County, and was licensed by California Community Care Licensing in January 2005. KARE Crisis Nursery began serving children in March of 2005. Thus far KARE Crisis Nursery has provided for 227 child visits, and 887 bed nights of care to families whose small children from birth through age 5 were at risk of neglect or abuse. These statistics are an indication of the need for KARE's services in our rural community, and the opportunities for families to set aside high risk behavior when their children could become victims. Children who stay at the crisis nursery thrive in the environment that is created, and the improvements to their physical and mental health are visible after just a few days at the nursery.

She continued by indicating that KARE Crisis Nursery has reviewed the new regulations and feel they will be helpful to KARE's mission. She is concerned, however, that they are not able to access the required training listed on page 125 [Section 86565(p)(1)(B)] for drug exposed children. While such training could be beneficial, they are not able to find a resource to provide such training. Sierra College is the nearest facility, and has indicated that such courses are not presently available, nor are any immediately anticipated for inclusion in the Early Childhood Education curriculum. She concluded by requesting that the Department take this into consideration as it reviews and adopts the new regulations.

Comment:

Neal Allbee, Dean, of the Sierra College-Nevada County Campus commented that these regulations require 12 equivalent units in Early Childhood Development and specific training in drug exposed children.

He continued by indicating that "Through our Early Childhood Education (ECE) classes students in Placer and Nevada Counties can access classes that help prepare them to work at crisis nurseries with high risk children. Your regulations specifically require training in drug exposed children. Currently, this specific content is not part of our curriculum and is not under consideration. Curriculum is constantly evaluated to ensure students are receiving information and skills required to make them employable and successful. For Sierra College to incorporate this drug exposed training into its curriculum there needs to be a significant demonstrated student enrollment which does not currently exist."

He ended by stating that "We appreciate the importance of training for ECE students to care for at risk children and support the efforts of the KARE Crisis Nursery within our service areas of Placer and Nevada Counties. Sierra College is not offering this specific training and is not prepared to offer this training at this time. We will continue to work with our ECE partners to determine program needs."

Response:

Please see the response to the previous related comment.

Comment:

Sue Bonk, Program Director of the Sacramento Crisis Nurseries commented that after thorough research among all of the community colleges in the Yolo, Nevada, and Sacramento counties, there is not a three unit class in abused and drug exposed children as required in this section. She further requested that this specific educational requirement be omitted and replaced with an Early Childhood Education or Child Development course that is offered within these community college school districts.

Response:

Please see the response to the previous related comment.

Comment:

Professor Alina Cervantes and Anne Kress, Ed. D., Chair of the Early Childhood Education Department at American River College for the Los Rios Community College District (LRCCD) commented that LRCCD does not currently offer a three unit course that strictly focuses on the abused child or drug exposed infant. These topics, however, are covered within several other classes and the development of a course on The Abused Child to meet community demands for Mandated Reporter Training is being considered..

Response:

Please see the response to the previous related comment.

Sections 86565(t)(2)(B)1. and 12.

Comment:

YLC commented that adjustment to group care is a harm that young children experience and should be mitigated. YLC also provided the following suggested language for Sections 86565(t)(2)(B) 1. and 2.:

(t)(2)(B) (Continued)

1. Overview of the client population served by the crisis nursery and the developmental and other needs of the population; (Continued)
12. Mitigation of the harms of Crisis nursery children's adjustment to group care;

Response:

Other elements in the "plan of operation" in Sections 86522(b)(22) and (23) serve both the developmental and emotional needs of the population. The plan of operation states in part "The Plan shall contain all necessary steps to be taken to reduce stress to the child(ren) which may result in transfer trauma such as admission and discharge, and changes in staffing pattern" and "...procedures that ensure consistency and continuity of care to children..." adequately covers areas that mitigate the potential harms stemming from group care.

Section 86565.5(c)

Comment:

YLC commented that the "staffing ratios section (and/or elsewhere by inserting 'family group' and defining) should clarify that children should be assigned to and cared for in family groups of no more than 3 children (or four children 7 pm to 7 am). A staff person or a volunteer should be designated as the caregiver for each group on each shift. A volunteer or other staff person may assist with care and supervision of children in the group, but the caregiver should be present and responsible for providing caregiving duties." YLC suggested that this section add the term "family" after "each" prior to "group".

Response:

The Department recognizes the need to maintain consistent caregivers for children placed in a crisis nursery. However, it may not be feasible to require that there be a designated caregiver for each group of three children because the staff which may be assisted by volunteers may not be available due to inconsistent or irregular volunteer hours. The language on "staff to child ratios" in Section 86565.5(c) states in part that "There shall be at least one employed staff or volunteer caregiver for each group of three children...." This is consistent with the requirement noted above. In the Department's experience, adding the term "family" to each group is not necessary and may cause confusion to a child assigned to a new "family group."

Section 86568.1(e)

Comment:

YLC commented that the information obtained regarding the child in the intake process should not only be collected but also used to provide care and supervision that meets the individual needs of the child. YLC also provided the following suggested language for Sections 86568(e)(1)(A):

- (A) An individual care and supervision plan shall be developed for each child. For infants an individual feeding plan shall also be developed.

Response:

The Department agrees and will incorporate the suggested language into Section 86568(e)(1)(A), as noted above.

Section 86568.1(f)(3)(A)

Comment:

YLC commented that as stated in reference to the comment to Section 86501(b)(1) the basic rate need not be defined in relation to the SI/SSP rate. YLC indicated that this section should read as follows:

(A) ~~Basic rate~~ Rate for basic services.

Response:

The Department has defined the "basic rate" in Section 86501(b)(1) that states in part: "Basic Rate means the rate charged by a crisis nursery to provide basic services...." It is not necessary to change the language under this section.

Section 86572(c)(14)

Comment:

YLC commented that for "children who are placed by the child welfare agency, the statutory foster care rights apply and may not be modified by regulation. The placement worker or caregiver is not authorized to prohibit calls and mail (only court order), but may impose time, place or manner restrictions on calls and mail. The deleted [suggested] language [Sections 86572(c)(B)(14) 1., 2., and 3.] is irrelevant to the under six population. Children have a statutory right to contact family members."

Response:

The Department concurs with the suggestion to delete the language as it is irrelevant to the under six population. In addition, the Department will incorporate the additional language to add Time, place or manner to Section 86572(a)(14)(B) after the word "reasonable."

Sections 86575(b)(1) and (7)

Comment:

YLC commented that children under six should not be self-administering medication and indicated that Section 86575(f) be deleted entirely and Section 86575(b)(1) read as follows:

(1) Assist children with the ~~self-administration as needed~~ of medication.

Response:

The Department concurs with the suggestion that children under six years old should not be self-administering medication. The Department will delete the words "self" and "as needed" from Section 86575(b)(1) and add the words "of medication" to this section. However, Section 86575(b)(7) will be left in its entirety as the parent may be providing medical information necessary to administer the medication.

Section 86576(a)(2)

Comment:

YLC commented that infants should have an individual feeding plan. Toddlers and preschoolers should have access to at least three meals and two snacks per day. Whether the crisis nursery provides the food or not, they should be responsible for arranging that each child has available at least three meals and two snacks a day or in the case of infants, meets the food needs identified in the individual feeding plan for each child.. To the extent this is meant to apply to children in crisis day care, a separate provision should state that this section does not apply (three meals+ and 15 hours) if the child is not in care 7 am to 7 pm. LC also provided the following proposed language:

- (a)(2) ~~Where all food is provided by the crisis nursery, a~~Arrangements shall be made so that each child has available at least three meals and three snacks per day or for each infant, has available the food identified in the individual feeding plan.

Response:

The Department concurs with the comment to remove and delete the phrase "Where all food is provided by the crisis nursery." However, the additional language "and three snacks" is not necessary as it is established in "food services" in Section 86576(f) that states in part "Children... shall be given at least three nutritious snacks daily." Additionally, the Department will not be adding another separate provision regarding the (3 meals and 15) hours as it is consistent with the crisis nurseries' ability to provide 24-hour care that most likely will be in place.

Section 86576(l)

Comment:

YLC commented that the child's previous primary caregiver needs to have input into the individual feeding plan in order to transition the infant. YLC also suggested a subsection (l)(8) that adds "Any cues or additional information related to feeding the infant to assist with transition." Furthermore, a point (m) is suggested as follows:

- "(m) The individual feeding plan shall be developed in consultation with the infant's parent, placing agency or the infant's previous primary caregiver."

Response:

The suggested additional language to section 86576(l)(8) regarding the "cues or additional information is not necessary as it has been added under Section 86576(m)(4) to read as follows: "Information from the previous caregiver shall be shared at staff shift changes." In addition, Intake Procedures at Section 86568.1(c)(2) requires that the crisis nursery complete the admission form that includes "...dietary requirements, daily needs, habits or routines...." The additional suggested language is not necessary.

Section 86577(d)(1)

Comment:

YLC commented that the input of the child's previous primary caregiver should be obtained to assist with transition. The authorized representative is either going to be the child's parent, legal guardian or placing agency and by definition could be all three. YLC submitted the following language change for Section 86577(d)(1):

- (d)(1) The written plan shall be developed by the licensee and placing agency in consultation with the child's parent, legal guardian or ~~authorized representative~~ previous primary caregiver and include:

Response:

The Department disagrees with deleting the words "authorized representative" as it is not necessary. As previously stated, the term "authorized representative" is defined in Definitions at Section 86501(a)(6) and it is consistent with all licensing categories. In addition, adding the term "previous caregiver" is not necessary because it is covered under the addition of Section 86576(m)(4) that states in part "...information from the previous caregiver shall be shared at staff shift changes...."

Section 86578(d)

Comment:

YLC commented that frequent visitation by the child's parent should be encouraged and only limited if the parent poses some risk to the child or children in the facility. Visitation by a parent shall not be deemed disruptive simply because it occurs during a time that a facility staff person deems it to be inconvenient. YLC provided the suggested change as follows to Section 86578(d):

- (d) The licensee shall not allow visiting by an apparently intoxicated individual or one who engages in behavior that disrupts the child care function of the crisis nursery.

Response:

The Department concurs with the suggestion to add the language "engages in behavior that..." to Section 86578(c) in order to encourage parent participation and not limit visitations to time frames that are not convenient to staff.

d) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

e) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the specific purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

f) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing from May 3, 2007 to May 18, 2007.

Written testimony was received from the Maria F. Ramiu, staff attorney for the Youth Law Center (YLC). The comments received and the Department's responses to the comments follow:

Section 86501(a)(4)

Comment:

The YLC commented that only those corporations in Health and Safety Code Section 1506(b) that meet the requirements in 1506(j) may be an applicant. YLC further suggested that subsection (j) be added after Health and Safety Code Section 1506(b).

Response:

The YLC referenced the requirements of Health and Safety Sections 1506(b) and (j). The reference may have been in error as the reference is to Section 1516 "corporations that meet the requirements inmay be an applicant." Language in subsection (j) addresses qualifications and sets forth the condition of licensure, not the definition of an applicant. Thank you for your comment.

Section 86565(e)

Comment:

YLC asked "[w]hat's the rationale for allowing a 1:6 water safety certified staff to child ratio for children other than infants (1:2 required)? The regular supervision ratios are stricter. One WSC staff person will not be enough if multiple children need to be rescued. For this age group a greater level of supervision is required when in bodies of water and other potentially dangerous activities. Ideally staffing should be 1:1 but must at least be more than or equal to the regular supervision ratios."

Response:

The ratios were established consistent with current Child and Infant Day Care regulations. In addition, the language requiring the caregiver staff to be able to swim is not necessary as the regulations already require 1) care and supervision be provided, 2) staff possess first aid and CPR certificates, and 3) that staff who supervise children during activities in or near specified bodies of water possess water safety certificates. Additionally, a similar requirement in foster care regulations is being reviewed. If changes are made they would apply to all children's residential facilities. Thank you for your comment, no further changes are necessary at this time.

At the Department's discretion, additional non-substantive grammatical, formatting, and minor editorial changes are made following the 15-day renote period for clarity and consistency.